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A

ROYAL COMMISSION

ON

48

PILOTAGE

HEARINGS

HELD AT

ST. CATHARINES,
Ontario

VOLUME No.:

114

116

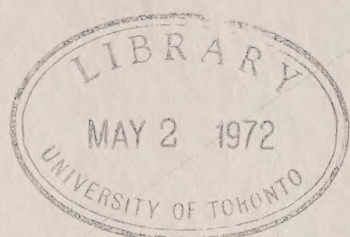
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Police and Magistrates'
Court Building, St. Catharines,
Ontario, on Thursday, the 12th
day of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots

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St. Catharines, Ont.
Thursday,
March 12, 1964

1 English

2 MR. JACQUES: My Lord, we have
3 secured charts of Lake Michigan. I would now like
4 to file them.

5 THE SECRETARY: The next one would
6 be 1035.

7 MR. JACQUES: Exhibit 1035,
8 American chart #7, Lake Michigan general.

9
10 ---EXHIBIT NO. 1035: American chart #7, Lake Michigan
11 general.

12 MR. JACQUES: 1036, American chart
13 #74, Lake Michigan, Washington to Waukegan.

14 ---EXHIBIT NO. 1036: American chart #74, Lake Michigan,
15 Washington to Waukegan.

16 MR. JACQUES: 1037, American chart
17 #75, Lake Michigan approaches to Chicago.

18 ---EXHIBIT NO. 1037: American chart #75, Lake Michigan
19 approaches to Chicago.

20 MR. JACQUES: 1038, American chart
21 #743, Milwaukee harbour.

22
23 ---EXHIBIT NO. 1038: American chart #743, Milwaukee
24 harbour.

25 MR. JACQUES: 1039, American chart
26 #751, Chicago lakefront.

27
28 ---EXHIBIT NO. 1039: American chart #751, Chicago
29 lakefront.

30 MR. JACQUES: As Exhibit 1040, a



1 English
2 list of reported casualties where a pilot was on board
3 the vessel, for the District of Port Weller, Sarnia,
4 as it is called on this list. It is for the years
5 1962, 1961, 1960, 1959.

6
7 ---EXHIBIT NO. 1040: List of reported casualties.

8 MR. JACQUES: As regards District
9 #3, we were advised by the Department of Transport that
10 as of May, 1963, there were no reported casualties
11 where a Canadian pilot was on board the vessel. The
12 list of other casualties has been filed some time ago
13 under Exhibit 866.

14 MR. LALONDE: Did you say that in
15 District #3 there were no casualties?

16 MR. JACQUES: No, no, involving
17 Canadian pilots.

18 MR. LALONDE: In District #2 or 3?

19 MR. JACQUES: Number 2.

20 MR. LALONDE: Does that apply to
21 District #2? Have you got it for 1963?

22 MR. JACQUES: No. Exhibit 1040
23 applies to District 2. As you see, any running
24 information or running statistics will be completed
25 for 1963 as it becomes available from the District.

26 Lastly, My Lord, Captain Watson,
27 the Supervising Pilot, was requested to give the number
28 of jobs performed outside his District -- that is
29 District #2 -- during 1963 season. The number of jobs
30 is 181. These jobs include movages and trips.



1 English

2 As regards information to be
3 secured from Lakeshore Transportation Co. and the
4 number of trips done, I have the information for
5 1962 and 1963. For the previous years it will be
6 tabulated and forwarded by mail to the Commission.
7 You might give these documents a number now, My Lord,
8 if you wish. It will be Exhibit 1041.

9 THE CHAIRMAN: And the description
10 will be?

11 MR. JACQUES: Trips billed to
12 District #2 and District #1 by Lakeshore Transportation
13 Co. for the years 1959 to 1963 inclusive, but at the
14 moment I have the figures for the years 1962 and
15 1963 only.

16 ---EXHIBIT NO. 1041: Trips billed to District #2 and
17 District #1 by Lakeshore Trans-
18 portation Co.

19 GEORGE BOLTON ALBINSON, Recalled,
20 Sworn

21 THE SECRETARY: Captain G. B.
22 Albinson, Great Lakes Pilotage District #2; is that
23 right?

24 THE WITNESS: That is right.

25 DIRECT EXAMINATION BY MR. LALONDE: (continued)

26 Q. Captain, before we proceed with
27 our trip upbound on the Great Lakes, are there any
28 other remarks you would like to make about your
29 testimony of yesterday?

30 A. Yesterday while we were speaking



1 English
2 of the Toledo channel I inadvertently said 700 feet
3 instead of 500 feet in width.

4 Q. We had reached Windmill Point, if
5 I remember well, at the other end of the Detroit River.
6 Then you get into Lake St. Clair. What comments do
7 you have with respect to Lake St. Clair?

8 A. Lake St. Clair has a dredged channel
9 and the width of this channel varies from 700 to 800
10 feet. There is a distance of 17 miles through this
11 lake in this dredged channel.

12 About the centre of the lake here
13 we have one structure which is called Lake St. Clair
14 crib light. There is a slight course change there
15 and you come up to the southeast bend cutoff channel.

16 Now, the biggest difficulty in
17 navigating Lake St. Clair is meeting ships, heavily
18 laden ships. The channel is supposed to be 27, 28
19 feet in depth. It is marked on the chart 25. These
20 ships are loaded to 25 foot six sometimes coming down
21 there, so it is nearly impossible for two heavily
22 laden ships to meet; certainly it is impossible to
23 run this distance on Lake St. Clair except at a slow
24 rate of speed.

25 Q. Do I understand you to say, in
26 effect, you have 28 feet of water?

27 A. Just in this, 27 feet, and it
28 was supposed to have been dredged --

29 Q. Excuse me, before you proceed,
30 you said, "in this"?



English

1

2

A. In the southeast bend cutoff

3

channel.

4

Q. Yes?

5

A. 27 feet of water.

6

Q. And the rest you have 25 feet?

7

A. 25 feet of water, and the other

8

two channels across the lake --

9

COMMISSIONER RENWICK: This chart

10

#42 we are looking at here says throughout the whole

11

channel it is dredged to 27 feet. 1963.

12

Q. You were going to say, Witness,

13

that they were supposed to dredge. What do you have to

14

say?

15

A. In the southeast bend cutoff

16

channel, which has only been open for two years, so far

17

they have not found very much silting in the channel.

18

The rest, the other part of the channel across the lake

19

eventually silts, fills up and we always don't have

20

the same amount of water as we are supposed to have.

21

Q. Have you been made aware that it

22

was dredged all the way to 27 feet last year?

23

A. That was in Notices to Mariners.

24

Q. But you state in effect there is

25

some silting which takes place?

26

A. Yes.

27

Q. Does this silting take place rapidly

28

over there?

29

A. Fairly rapidly. There is here about

30

buoy 23 -- although I have never taken soundings there



1 English

2 personally, I have been awfully close to the bottom
3 with a ship loaded 25 feet 3.

4 THE CHAIRMAN: What about the level
5 of the water there? Is that constant?

6 THE WITNESS: The level of the
7 water in Lake St. Clair fluctuates on an average for
8 the last 60 years of two feet.

9 Q. Do you feel any squat effect with
10 your ships in these waters when you are deeply loaded?

11 A. That is a very big factor. That
12 is a very big factor, and of course your squat of a
13 ship varies with the speed of the ship. More speed
14 more squat, and once you are in shallow water, why
15 then the squat becomes greater too because they sit
16 right down on the bottom. That is what makes it so
17 very difficult to meet these deeply laden ships.

18 Q. Yes?

19 A. At buoy 28, red buoy 28, just
20 when turning off into southeast bend cutoff channel --
21 that is a gas buoy there -- I would like to see a
22 structure built there about the same as Lake St.
23 Clair crib light. Lake St. Clair light.

24 THE CHAIRMAN: Would you explain
25 that?

26 THE WITNESS: In hazy weather or
27 thick weather if you are on radar, the target would
28 be much better off a fixed structure than off a gas
29 buoy.

30 THE CHAIRMAN: For the radar?



1 English

2 THE WITNESS: Yes, and also if you
3 are not using radar, just in hazy weather, because this
4 channel up here has been abandoned now.

5 Q. I understand you are referring to
6 the channel north of --

7 A. Southeast bend cutoff channel.

8 Q. Yes?

9 A. That has been abandoned. There is
10 no more dredging or upkeep on that channel at all,
11 so we must use this new channel.

12 Q. Yes?

13 A. As we come up southeast bend cutoff
14 channel, at the upper end we encounter current; it
15 goes down into the old channel there, and there is a
16 very sharp bend there in the river which makes it
17 very difficult for two large ships to meet at this
18 point.

19 It is narrow and the current
20 pulls you down to the westward there where it goes
21 down the old channel, and the downbound ship comes down
22 at light 27. Light 13. It is a fixed green light
23 there. The upbound ship has to stay so far eastward
24 in order to give the downbound ship room, so he won't
25 set down on the bank while he is making the turn there.

26 Q. Will you indicate with a red arrow
27 the direction in which the current pushes the ship?
28 Now, you have negotiated this bend. What do you
29 encounter next?

30 A. It is a small narrow channel across



1 here, and we come up on to Harsen Island range light.

2 We proceed then, and in this stretch of the river there
3 are speed limits. There are speed limits in all the
4 river up here, but your speed limit here is about 10
5 miles per hour.

6 COMMISSIONER SMITH: Is there much
7 traffic there Captain?

8 THE WITNESS: The traffic up and
9 down the river, the total passage, if I remember right,
10 last year were something of almost 4,000 in the nine-
11 months period.

12 COMMISSIONER SMITH: Up and down?

13 THE WITNESS: Up and down.

14 COMMISSIONER SMITH: Thank you.

15 THE WITNESS: It is quite ordinary
16 to meet 10 or 12 or 15 ships going in the opposite
17 direction in one transit of the river.

18 Q. Are you talking about transit
19 of the Detroit River?

20 A. Well, the St. Clair River.

21 Q. The St. Clair River, yes.

22 A. We come on up past Russell Island,
23 and proceed on up the river past Marine City.

24 Q. You are now proceeding, with
25 chart Exhibit 989, U.S. chart #43, St. Clair River?

26 A. I forgot to mention with this
27 southeast bend cutoff channel you will notice the
28 lights here to mark the edge of the channel. These
29 lights really don't mark the edge of the channel.
30 Those lights are set 190 feet inside the line of the



1 English

2 channel, and they place a can or nun buoy outside the
3 lights. These, of course, have no lights on them
4 and at night it can be a bit confusing when you see
5 the light and then the channel is 190 feet outside the
6 lights.

7 Q. What is the reason for placing the
8 buoys in such a position?

9 A. Well, my own personal opinion is
10 -- they are structures; they are not buoys, so the
11 traffic up and down the channel would not wash away
12 their foundations and the whole thing fall in.

13 THE CHAIRMAN: It is not current
14 procedure because other lights are just right on the
15 edge of the channel.

16 THE WITNESS: Yes, that is right.

17 THE CHAIRMAN: So how do you know
18 about that when one is so placed and the other is not?

19 THE WITNESS: That is local knowledge.
20 Of course that has been published in Notices to Mariners.

21 THE CHAIRMAN: I see it is only
22 after the bend there, the first part of the channel
23 at the bottom of the chart, the lights are just at the
24 edge of the border of the channel, but then when you
25 take the bend, they are up.

26 THE WITNESS: They are set in from
27 the channel line. We proceed on up the St. Clair
28 River past Marine City. It is a dredged channel there,
29 marked by two red buoys and a nun buoy. On up until
30 we come to the Middle Ground at St. Clair.



1 English

2 Both up and downbound traffic
3 now use the west channel. The old east channel there
4 has been abandoned, and the only recognized channel
5 is the one to the west of the Middle Ground. The same
6 thing prevails here at Stag Island. The east channel
7 has been abandoned, and up and down traffic use the
8 one on the west side of the river or the American side.

9 Q. Has this old channel been abandoned
10 for a long time, or is this recent procedure?

11 A. In the last year or so.

12 Q. Do you find it is an advantage
13 using the same channel or would you prefer the old
14 procedure?

15 A. We would prefer the old procedure
16 because it eliminates meeting ships head-on.

17 Q. Would this apply also to the
18 previous case you have mentioned across?

19 A. At the Middle Ground and at Stag
20 Island?

21 Q. Yes. Would this apply there too?

22 A. Yes.

23 Q. Have you been made aware of any
24 reasons why the old procedure was abandoned?

25 A. Not necessarily, but in my own
26 mind, why, it is just a matter of dollars and cents to
27 keep one channel instead of two.

28 THE CHAIRMAN: I think though the
29 channels are maintained by the American government,
30 are they?



1 English

2 THE WITNESS: Yes, they are
3 maintained by the American government and of course
4 they maintain the channel on their side of the river.

5 Now we come up to Port Huron
6 and Sarnia traffic buoy there. This section of the
7 river from about the Blue Water Bridge, about a
8 thousand feet above the Blue Water Bridge to about
9 500 feet below it, there is very strong current there.
10 It is about 5 to 6 miles per hour. The channel width
11 under the Blue Water Bridge is about 600 feet and
12 naturally all the ships that are up and downbound
13 have to come through this rapids, as it is known to
14 sailors, the rapids there. Not only that, but
15 immediately you come through this place you have to
16 make this swing to come on down past Port Huron.

17 The upbound ships keep to the
18 Canadian side, the easterly side, and downbound ships
19 keep to the American side of the river. If it
20 happens to be hazy you have committed yourself down
21 through this dredged channel.

22 MR. LALONDE: Q. This dredged
23 channel from Lake Huron?

24 A. Huron cut channel. Why, of course,
25 you have no alternative but to navigate this part of
26 the river and down before you can anchor. The point
27 of anchorage is below Port Huron traffic buoy here
28 (indicating).

29 Q. Can you anchor at several places
30 on the St. Clair River or do you have a limited number



1 English

2 of anchorages?

3 A. Usually you can anchor most
4 any place in the St. Clair River upbound.

5 Q. Yes?

6 A. That is your bucking, stemming the
7 current, and the bottom is mud or shale or something
8 and usually fairly good holding ground any place in
9 the St. Clair River.

10 Q. Yes, and if you are downbound?

11 A. Downbound, that is an entirely
12 different situation again because the ship has to
13 turn. For ships six and seven hundred feet long,
14 although the river looks very wide, why, if you try
15 to turn a six or seven hundred foot ship in the river
16 you can be very easily into trouble very fast. Of
17 course it is impossible to turn a ship in these
18 dredged channels because they are only 700 to 1,000
19 feet in width at Stag Island, the Middle Ground. Any
20 place below Willow Point Light it is nearly impossible
21 to anchor a ship downbound.

22 Q. You had reached Port Huron. Do
23 you dock ships at Port Huron?

24 A. We have one terminal here.

25 Q. Will you use the insert?

26 A. We have one terminal here at Port
27 Huron just below or right on It is not marked
28 there; you will have to use this one. Port Huron
29 terminal is here (indicating).

30 Q. Would you circle it with green,



1 English

2 please?

3 ---The Witness does so.

4 Q. Are there any other docks in
5 Port Huron to which you go?

6 A. There is one paper wharf up the
7 Black River. Sometimes it has been known that ships
8 have to go up here to this paper dock here.

9 Q. It does not seem to be indicated
10 on the chart, but is it below the railway bridge which
11 crosses the river?

12 A. Yes, it is below the railway bridge
13 and above the traffic.

14 Q. Are there any other docks alongside
15 the river?

16 A. We have what is known as the
17 government slip in Sarnia which has a terminal there.
18 It is a fairly busy terminal. It is there probably
19 (indicating). Two hundred and twenty-five salt
20 water ships in and out of this terminal here a year.

21 Downbound you have to come down
22 with the current there and turn into this wharf. This
23 can be a very interesting five minutes from the time
24 you make your turn until you are in out of the current
25 there, because the current is very variable there. The
26 current comes down the river and then we get an eddy
27 back up into what is called the North Slip. When this
28 North Slip fills with water the pressure brings the
29 current out again, so you are never sure of whether
30 the current is going up into the slip or whether it is



1 English

2 coming out of the ship.

3 Q. Yes. Are there any other particular
4 points in Port Huron and Sarnia?

5 A. We have docks at Dow Chemical,
6 Imperial Oil and Polymer where tankers load.

7 Q. Do you have any docks under the
8 bridge or around the bridge which you have mentioned
9 across the St. Clair River?

10 A. Under the Blue Water Bridge or
11 just directly below the Blue Water Bridge the Canada
12 Steamship Lines and the Canadian National Railways
13 have a terminal there.

14 There is usually a ship there when
15 you are coming down here. Also directly across the
16 river is a cement plant -- Port Huron Portland Cement
17 Company, I think they call it. With this 600 foot
18 width of the channel under the bridge with ships
19 tied up on both sides, why, that just narrows it down
20 that much more.

21 Q. I understand that Port Huron is
22 the dispatching point at the other end of the District?

23 A. That is correct.

24 Q. Would you explain what is the
25 procedure when you are relieved from a ship at Port
26 Huron?

27 A. When we are relieved at Port
28 Huron -- the limits are Lake Huron light vessel --
29 if we are relieved there, the pilot boat has to go out
30 to the light ship to take us off and bring us back in.



1 English

2 Q. How many miles is that approximately?

3 A. Seven miles.

4 Q. There is a permanent light ship
5 which is maintained there?

6 A. It is maintained there during the
7 navigational season.

8 Q. Are you generally relieved in that
9 area or in Port Huron itself?

10 A. We are never relieved --- you mean
11 in a transit?

12 Q. Yes, in a transit. Obviously if
13 the ship stops at Port Huron this is a different matter.

14 A. We usually take the ship out,
15 line her up at the Huron Cut Channel with our range
16 light over the stern and the buoy and then we dis-
17 embark somewhere around buoys 3 and 4.

18 Q. Is it the same procedure for
19 embarking downbound?

20 A. When we embark downbound we go to
21 the light ship and get aboard the ship and bring her
22 into the channel.

23 Q. Always to the light ship itself?

24 A. Yes.

25 Q. Is there any other point you would
26 like to raise before we proceed with the next chart?

27 A. That covers that.

28 Q. We are now using Exhibit 990,
29 Canadian chart #2200, Lake Huron chart.

30 Would you briefly explain what



1 English

2 kind of pilotage you are called upon to do on Lake
3 Huron?

4 A. Lake Huron, we have separate ---

5 Q. Excuse me; before you proceed,
6 you mentioned a light ship which did not appear, I
7 think, on the other chart. Would you please circle
8 the light ship in green?

9 ---The Witness did so.

10 Q. Yes?

11 A. Huron light vessel is the limits
12 of the District proper. Then we have been forced to
13 pilot this lake here. There are recommended courses
14 recommended by the Dominion Marine Association, the
15 Lake Carriers of Canada and the Lake Carriers Association
16 of the United States, which all lake boats adhere to
17 fairly well.

18 This separates the up and downbound
19 traffic. But after you leave Harbour Bridge there
20 are a certain number of courses that are cutting across
21 the lake and for ships going down into Saginaw Bay,
22 this crossing one another has been eliminated as nearly
23 as possible; but as you can see, it is impossible to
24 eliminate them all. Of course, when you have ships
25 crossing one another that always involves the chance
26 of collision especially in hazy or foggy weather.

27 On Lake Huron we have ten ports
28 that have been used on Lake Huron and I should say
29 Georgian Bay, which does not show here. We have ten
30 ports.



1 English

2 Q. Would you mention these ports
3 for the record, please? Do you wish to have the
4 Georgian Bay chart also?

5 A. Well, we will have to.

6 Q. The Georgian Bay chart is Exhibit
7 991. The witness will first refer to Exhibit 990,
8 the chart of Lake Huron. Would you name these
9 various harbours and ports?

10 A. On the Canadian side we have
11 Goderich, which is the first port. In Georgian Bay
12 we have the port of Owen Sound. We have the port of
13 Collingwood, which has a ship building company there
14 and a dock for repairs. We have not got enough charts
15 yet.

16 Q. On the inset you have other
17 ports.

18 A. Midland, Tiffin and Port McNichol;
19 then we have the port of Parry Sound. Then way up
20 here we have the port of Little Current.

21 Q. You get to Little Current by going
22 into Georgian Bay, I understand?

23 A. That is correct. We come up
24 through here into Little Current.

25 On the American side we have down
26 in the Saginaw Bay both Bay City and Saginaw, which
27 completes the list of ten ports on Lake Huron.

28 There are one or two other ports
29 here that it is possible at some time you might have
30



1 English

2 to come to, especially Alpena and Stone Port.

3 Q. On the American side of Lake
4 Huron?

5 A. Yes. If you are going to Detour,
6 when you get off Middle Island you take this course
7 and follow it up to Detour. On this course you
8 cross all the downbound ships from Lake Michigan
9 on a point off Presqu'ile.

10 Q. Yes?

11 A. You go up to Detour. That is as
12 far as District #2 pilots go. We are relieved there
13 then by a District #3 pilot.

14 Q. Would you circle in green the
15 point where you are relieved by District #3 pilots,
16 please, at Detour? Is there a light ship there?

17 A. It is a lighthouse there.

18 Q. A lighthouse; and you are relieved
19 through a pilot boat?

20 A. Yes, a pilot boat at Detour.

21 Q. Where are you taken when you are
22 relieved at Detour; where do you go?

23 A. Into a small village there called
24 Detour.

25 Q. What do you do? Do you wait for
26 the next ship down or are you called upon sometimes
27 to come back to the station?

28 A. Usually we are called to come back
29 to the station.

30 Q. I see. That is at Port Huron or



1 English

2 Port Weller. It could be either, I suppose?

3 A. Yes, it can be either.

4 Q. Yes, and what is the transportation
5 means which you will use? How do you go from Detour
6 back to the station?

7 A. Well, you will have to go to
8 Sault Ste. Marie in order to get transportation from
9 Detour or to the airport. I forget the name of the
10 airport there now.

11 Q. Is it an airport near Sault Ste.
12 Marie or near Detour?

13 A. It is about halfway between the
14 two. It is about 20 or 25 miles, I think, from
15 Detour.

16 MR. JACQUES: Is it Canadian or
17 American?

18 THE WITNESS: That is an American
19 airport. Or if you had to go right up to Sault Ste.
20 Marie and cross back over into Canada you would take
21 the TCA from Sault Ste. Marie, Ontario.

22 MR. LALONDE: Q. Where do you
23 land, at Toronto or St. Catharines?

24 A. Toronto, Malton Airport.

25 Q. If you are called back by Port
26 Huron do you come back to Toronto also?

27 A. No. There is about a 24-hour ...
28 I cannot say the length of time, but there is a
29 considerable bus ride; it is over 12, 15 hours of a
30



1 English

2 bus ride.

3 Q. From where? From the United
4 States side?

5 A. On the United States side. I
6 forget the name of the little town where you catch
7 the bus, but it is some distance from Detour. You
8 have to take a taxi from Detour itself to get on the
9 bus and ride the bus for, I think it is, pretty near
10 18 hours; I am not sure.

11 Q. Have you taken it yourself?

12 A. No.

13 Q. You usually fly?

14 A. The only time I have been forced
15 to take transportation back to the Soo; I have never
16 been myself. I was sent to the Soo to board the
17 ship at Sault Ste. Marie, Michigan, and bring it down.

18

19

20

21

22

23

24

25

26

27

28

29

30



1 English

2 The transportation difficulties from Detour
3 back to either the station or airport of Toronto is
4 a very time-consuming business.

5 Q. Now, I notice that you refer to these
6 recommended courses on the lake, these courses having
7 been recommended by lakeship associations. Are
8 these courses also followed by deep sea ships?

9 A. Well...

10 Q. So far as you are concerned do you use
11 the same courses, or do you feel freer...

12 A. No; we still follow the recommended
13 courses while there are pilots aboard the ship.

14 Q. And if you are not going to Detour I
15 understand you will take another direction at
16 Presqu'ile?

17 A. At Presqu'ile we change courses for the
18 Mackinac Straights -- the Straights of Mackinac --
19 which leads down into Lake Michigan. We have separate
20 courses here. The traffic is fairly heavy always in
21 and out of Lake Michigan; and in this case we usually
22 take the southern channel -- the channel south of
23 Bois Blanc Island. There are many French names --
24 Sheboygan...

25 MR. LALONDE: That doesn't sound French
26 the way you say it.

27 THE CHAIRMAN: I have found one very
28 interesting one at the bottom. It is Chanel Ecarte.

29 MR. JACQUES: The lost channel.

30 THE CHAIRMAN: The channel which got lost!



1 English

2 THE WITNESS: Here at Mackinac city is
3 the famous Mackinac Bridge. There is a buoyed channel
4 under the briage, and once past that we proceed on down
5 into Lake Michigan.

6 MR. LALONDE: Q. Before we proceed down
7 Lake Michigan, the way I understood your previous
8 evidence was that I got the impression that you would
9 put your feet up as soon as you would leave Port Huron
10 and put them down once you got to Mackinac Bridge.
11 What is the situation generally again on Lake Huron?

12 A. When we take a trip from Huron Lightship
13 we put her on the course for Harbour Beach. Usually
14 pilots are called at Harbour Beach; and we steer course
15 again for Midland Island.

16 Q. Do you mean that once you get...

17 A. ...to Harbour Beach.

18 Q. Yes... you go on the bridge again?

19 A. Yes; and again at Midland Island.

20 Actually, most pilots are called below
21 Thunder Bay Island which is a distance of about 10
22 or 15 miles from where you alter your course here
23 (indicating).

24 Q. Would you make a green circle at the area
25 where pilots are usually called?

26 A. Yes.

27 --- The witness did so.

28 Q. And will you make a green circle also
29 across Harbour Beach?

30 A. Yes. Of course, this is in clear



1 English

2 weather where this is done. In hazy or foggy weather
3 the pilot is on the bridge all the time.

4 Of course, once you are called here...

5 Q. That is where?

6 A. At below Thunder Bay Island -- once
7 you are called below Thunder Bay Island then you are
8 up all the way until you probably get to Lansing Shoal.

9 Q. How long would it take from Thunder
10 Bay to Lansing Shoal?

11 A. Oh, 8 to 10 hours; it depends on the
12 speed of the ship, naturally.

13 Q. And if you have a ship that goes to
14 Detour do you follow roughly the same procedure, that
15 is, at Harbour Beach and Thunder Bay?

16 A. Yes; the only difference is that we
17 change the course -- the course-change at Midland
18 Island is different.

19 Q. And do you stay up just the same from
20 Thunder Bay to Detour?

21 A. Yes, to Detour; because of crossing
22 traffic here (indicating) from Lake Michigan.

23 Q. You say if there is bad weather --
24 fog -- you stay up?

25 A. You have to stay up.

26 Q. Does it happen as often as it seemed
27 to happen on Lake Erie that you are called upon in
28 connection with the radio telephone?

29 A. Well, personally, the only ships
30 that I have taken up to Lake Michigan I was never called



1 English

2 on the telephone.

3 Q. You mean that is the only ship, since
4 1961...

5 A. But I understand that some of the pilots
6 have quite a few calls to answer the radio telephone
7 in that District, too.

8 Q. Now, did I understand you to say that
9 you had been in Lake Michigan only once since 1961?

10 A. No, no; I said the ships that I have
11 taken up just happened to have radio operators who
12 didn't need any assistance.

13 Q. I see. These calls which other pilots
14 get -- did you hear these on your own radio telephone
15 aboard the ship, or is it just reports you had through
16 conversations?

17 A. Mostly complaints from other pilots
18 about being called to answer the phone -- discussions
19 about it.

20 Q. I would like to clarify this. I thought
21 you had said that the only ship you took through Lake
22 Michigan -- that you did not have to answer the radio
23 telephone?

24 A. No; I said that on the ships I have been
25 on going through Lake Michigan I have not.

26 Q. Are there any other points which you
27 want to mention on Lake Huron?

28 A. No.

29 Q. I would now go to American Chart No. 7,
30 Lake Michigan, which has been filed as Exhibit 1035.



1 English

2 You had reached the Straights of Mackinac.
3 Would you now proceed?

4 A. Here again we have the same situation
5 with separate courses from Mackinac Bridge down to
6 Lansing Shoal; and from Lansing Shoal down to a point
7 here (indicating) we lay a course for Rawley Point;
8 and then from there on down to Chicago and Calumet and
9 Indiana Harbour and the ports at the lower end of
10 the lake.

11 We also come into Green Bay. Usually we go
12 through Port Desmorts or through Rock Island Passage
13 down into Green Bay which has quite a lot of tonnage
14 in and out of it every year.

15 Quite often it happens that you take a ship
16 down to Green Bay, make your call and then the ship is
17 coming on down Lake Michigan. If that is the case
18 then we go through a little canal here which is called
19 Sturgeon Bay Canal. This Sturgeon Bay Canal has a
20 channel in the narrow part here of 600 feet down to
21 200 feet. There is a swing railroad bridge right
22 at Sturgeon Bay itself, and at the westerly portion
23 of the canal it is one-way traffic controlled by the
24 Coast Guard. The draws on the swing railroad bridge
25 are 35 feet wide.

26 Q. Would you explain to the Commission
27 how this one-way traffic is ~~control~~ controlled by the Coast Guard?

28 A. It is controlled by radio telephone.
29 Each ship calls the Coast Guard and tells them he is
30 on his way in; and if his ship is coming the other way



1 English

2 he calls in and the Coast Guard tells them that so
3 and so is eastbound, or westbound through the Sturgeon
4 Bay Canal.

5 Q. If there is a ship going the other way and
6 you are going through the canal, do ~~you~~^{you} anchor there,
7 or do you have to call them before you enter into the
8 canal?

9 A. Usually we call at this point, Sherwood
10 Point, and then you govern yourself accordingly if there
11 is anybody inbound. Of course, if there is somebody
12 eastbound then the ship waits out in the Lake before
13 he starts westbound, and vice versa.

14 Q Has the Coast Guard a station or a boat
15 there all the time?

16 A. There is ^a/station; a lifeboat station I
17 think they call it.

18 Q. What is the length of this canal?
19 Have you any idea, approximately?

20 A. I think from side to side it might
21 be about 15 to 20 miles.

22 Q. Are there no locks on the canal?

23 A. No, there are no locks.

24 Then we come on down into Chicago. There
25 is main Chicago, south Chicago which is called Calument...

26 Q. Would you like to have the Chicago chart
27 now?

28 A Yes.

29 COMMISSIONER SMITH: Before you get the
30 Chicago chart, I have in front of me the chart of Lake



1 English

2 Michigan which shows a lot of car ferries criss-crossing
3 at various points between Canada and the United States...

4 I am sorry, I shouldn't have said "Canada." But do
5 they in any way interfere with the operations of pilots
6 in the area?

7 THE WITNESS: Yes; once again you then
8 have two ships crossing and, naturally, there is the
9 risk of collision.

10 There are a great many car ferry routes
11 across; as a matter of fact, the car ferries use the
12 Sturgeon Bay Canal all the time; and, as you say,
13 on the chart all the way down there are many car ferry
14 tracks across the lake, and they are very, very busy.
15 There is a tremendous amount of traffic which goes
16 across. Instead of having to go all the way down
17 they take their cars across the lake. As a matter of
18 fact, they run the year round on Lake Michigan; they
19 run the whole year -- the car ferries.

20 COMMISSIONER SMITH: With frequent sailings?

21 THE WITNESS: Yes; they are very frequent
22 sailings.

23 On Lake Michigan itself we have list 14
24 harbours -- Green Bay, Manitowoc, Sheboygan, Milwaukee,
25 Chicago, Calumet, Indiana Harbour, Luddington, Gary,
26 Grand Haven, and Muskegon. These harbours -- any one
27 of them -- are used by salt water ships, or have been,
28 so it is necessary for the pilot to keep up on all this --
29 on his notices to mariners -- for all those harbours
30 on the lake -- well, all the harbours -- because you



1 English
2 never know where you are going to be sent, or where
3 these ships are being sent to; so we do the best we can
4 to keep up with all the notices for mariners on Lake
5 Michigan and the lake itself.

6 Q. We will now refer to Exhibit 1039,
7 U.S. Chart No. 751, Chicago Lake front.

8 Will you briefly explain the pilotage you
9 are called upon to do in Chicago and Calumet and the
10 main difficulties you encounter?

11 A. At Main Chicago most ships go in through
12 the pier here, and there is a long pier built out from
13 the shore there, and that is the biggest terminal in
14 Chicago.

15 We come down into Calumet here (indicating).
16 They built a terminal for Chicago just at the lower,
17 southern end of Lake Calumet. This necessitates a trip
18 up the Calumet River here (indicating) which, as is
19 shown on this chart, is a very twisty, narrow piece of
20 water. The river itself, if I remember correctly, is
21 crossed by 14 bridges.

22

23

24

25

26

27

28

29

30



1 English

2 Q. Are they all swing bridges or
3 lift bridges?

4 A. No, there is some lift bridges
5 and some swing bridges which makes it quite a
6 hazardous voyage at times up the Calumet River. There
7 is one terminal, the 95th Street terminal, which you
8 only have to go up to the 95th Street turning basin
9 #1. We have Indiana Harbour --

10 Q. Before you proceed to Indiana
11 Harbour, would you tell me whether ships can meet
12 in the Calumet River?

13 A. Usually one ship moors while
14 the other one goes by or when you meet.

15 Q. This seems a pretty narrow piece
16 of water, is it?

17 A. One ship practically has to stop.

18 Q. Do you use tugs in Chicago, and
19 particularly in the Calumet River?

20 A. In the Calumet River, yes.

21 Q. Do you use tugs at the other places
22 in Chicago?

23 A. At Navy Pier sometimes and sometimes
24 not. It depends on the ship and the pilot and the
25 Master.

26 Q. I notice on the chart also that you
27 had a sanitary and ship canal which was proceeding
28 from Lake Michigan. Do you know whether ships are
29 called upon to proceed in this canal also sometimes?

30 A. Sometimes, yes. There are many



English

docks and wharves, all the way up through the City of Chicago there. I have no idea how many bridges there are in the Chicago River. I wouldn't hazard a guess.

Q. Then I am sure you must use tugs?

A. We use tugs to go up, yes.

Q. You were going to talk about Indiana Harbour, I think, or Indiana dock?

A. Indiana Harbour.

Q. Yes?

A. There are steel plants there and up through the bridges, up towards East Chicago there, there is an oil and chemical dock to which we go. This is a very narrow channel up through there, and one place there are five bridges all in a clump, and farther up there is another bridge.

There is current in here at times just as you enter that; that discharges from the steel plants and I guess probably the river coming down here causes a current there that is very tricky at times.

Q. Yes?

A. Then we come down to Buffington, which is just a breakwater built to form the harbour there. With strong winds -- that is something that we should have mentioned. Down around Chicago at the lower end of Lake Michigan here you get quite strong winds at times, especially in the fall of the year. There is Buffington harbour and Gary harbour.

Q. Do you have tugs available in all



1 English

2 the other harbours you have mentioned on Lake Michigan.

3 A. No, there isn't tugs available
4 at all the harbours. I think probably with a day's
5 notice or two day's notice you can have a tug. If
6 you give notice that far ahead they will supply a tug
7 in any of these harbours on Lake Michigan.

8 Q. We passed Lake Huron, and I forgot
9 to ask whether you had tugs available in the harbours
10 on Lake Huron?

11 A. No. There is one small tug at
12 Bay City which is not much help.

13 Q. I understand in all other harbours
14 you don't have tugs?

15 A. No.

16 Q. Do you have some in Port Huron?

17 A. There is one tug at Sarnia. He
18 has been stationed there for the last two years, but
19 before that, none. Whether that tug will be at
20 Sarnia again this summer or not I don't know.

21 Q. Is there anything else you would
22 like to add on the lake chart, Exhibit 1035?

23 A. Downbound on Lake Michigan from
24 Chicago here we take a different route. Recommended
25 courses bring you to Point Betsy. From Point Betsy
26 to the Manitou Island up to Gray's Reef Passage, which
27 is a narrow dredged channel through here, and then
28 once you are through there at White Shoals, back down
29 to the Mackinac Bridge.

30 Q. Would you explain to the Commission



1 English

2 what duties you are called upon to perform on Lake
3 Michigan if you are aboard a ship, let us say, without
4 a B certificate?

5 A. Well, you advise the Master to
6 keep the ship on these recommended courses, and do
7 your level best to see that the ship is kept on the
8 courses.

9 Q. Yes, but let us say you have reached
10 the Straits of Mackinac, when are you relieved, or
11 let us say from being on duty on the bridge generally
12 if it is nice weather?

13 A. Usually the pilot is up until he
14 comes to Lansing Shoal or maybe he stays up until
15 he comes down to the course change.

16 Q. Would you indicate with a green
17 circle the course change? Yes. Let us say the
18 ship is going to Milwaukee or Chicago. What do you do?

19 A. Well, we have open sailing here.
20 If you are going to Milwaukee, well, we have another
21 course change here off Rawley Point.

22 Q. Yes. Would you also make a green
23 circle on this change of course point? Yes. Would
24 you generally be called to go on the bridge there?

25 A. Yes. I am, myself. I always leave
26 orders to be called before we reach any of these course
27 change points.

28 Q. Yes?

29 A. Then if you are going on down into
30 Milwaukee, naturally you have to be on the bridge an



English,

hour or so outside of Milwaukee.

Q. If you are going to Milwaukee where would you ask to be called approximately? Would you make also a green circle? Yes. If you are going to Chicago?

A. Oh, well, then you are called here (indicating), before we get to Wilmette.

Q. Wilmette?

A. Yes.

Q. If you are going into Green Bay, can you get down from the bridge or are you called upon to stay up?

A. Well, it is a short run there where you might be able to get down.

Q. With a short run between the green circle which appears at the top of the chart and as far as what approximately? Would you make also another green mark and we will number them. The first circle where there is a change of course would be indicated by the letter "A" and the second point is "B". You say between A and B you have some rest?

A. Yes.

Q. And at B what do you do?

A. Then you are up then until you get into Green Bay.

Q. How long may it take from point B to Green Bay if there are no exceptional circumstances?

A. Oh, nine, ten hours.

Q. I see. From the time you have been



1 English

2 up at the northern end of Lake Huron and going through
3 the Straits of Mackinac until you reach this change
4 of course point, how long would that represent as far
5 as the trip is concerned, again in normal weather?

6 A. Eight or nine hours.

7 Q. Then you have another eight or nine
8 hours from point B to Green Bay?

9 A. Yes.

10 Q. And if you are going to Milwaukee
11 you will be advised to come on the bridge about an
12 hour before?

13 A. Yes.

14 Q. The same to Chicago?

15 A. The same to Chicago.

16 Q. Is this a general procedure for
17 all ports?

18 A. Yes, that is general procedure
19 for all ports.

20 Q. Is there any other point you would
21 like to mention about Lake Michigan in particular?

22 A. Lake Michigan, we have fog. Fog
23 is quite prevalent in the summertime on Lake Michigan,
24 and of course with all these crossing car ferries,
25 that would necessitate the pilot being up from the
26 time he left Chicago until he got back down through
27 the Straits, and if he is lucky he doesn't have fog on
28 Lake Huron. If he does, then he is up until he gets
29 down to Port Huron.

30 Q. If you have fog and you are leaving



1 English

2 Chicago, how long will it take before you reach Lake
3 Huron, let us say? Let us suppose there is no fog?

4 A. Well, of course that depends
5 entirely on the speed of the ship. From Calumet Harbour
6 to Mackinaw here is 333 miles, so with a 10-knot ship
7 you would be 30.3 hours. If it were a 20-knot ship
8 it would be half that time.

9 THE CHAIRMAN: When you take a
10 ship in Chicago, for instance, do you bring the
11 ship up through the Welland Canal; it is your
12 responsibility up until then or are you relieved
13 at Port Weller?

14 THE WITNESS: If the pilots of
15 District #2 have to take a ship down to Lake Michigan
16 here, it is usually because of heavy traffic; that
17 the lake pilots are all busy, so quite often when
18 you bring a ship to Chicago and take her back down,
19 when you get to Port Huron the same thing prevails,
20 that there is no pilot there to relieve you because
21 that is what will cause the trip in the first place.
22 No reliefs. So when you get back down to Port Huron
23 it could be the same situation could still prevail,
24 no relief, so you have to go on.

25 Q. Up to Lock 7?

26 A. Up to Lock 7.

27 Q. And if there is --

28 A. And if there is a relief there you
29 get it, and if not, why maybe when you get down to
30 Port Weller there is no relief there, and you have to



1 English

2 take the ship on down to Cape Vincent.

3 Q. Has that ever occurred?

4 A. I couldn't say. I couldn't say,
5 but theoretically it is possible. A man would have
6 to do ten thousand and seventy-three miles of pilotage
7 -- one thousand and seventy-three.

8 Q. It might look like then thousand
9 to him.

10 A. After a trip like that it would.

11 Q. But when a pilot will have taken
12 a ship from Lock 7 to Port Huron and there will be
13 no lake pilot available, is it the usual practice
14 that another District pilot, another District #2 pilot,
15 is put aboard the ship to relieve you, or is it more
16 the practice that you will carry on?

17 A. You carry on yourself. You get
18 no relief. That is the general practice.

19 Q. Have you experienced any difficulty
20 with radio communications? Do you have blank spots
21 on the river, on the lakes?

22 A. Lake Michigan is bad for that. I
23 think probably it is one of the worst of the lakes for,
24 what do they call them, blackouts?

25 Q. Yes.

26 A. As far as radio communication is
27 concerned.

28 Q. Do you meet these difficulties
29 in particular spots on Lake Michigan or is it an event
30 which may occur anywhere on the lake? It varies from



1 English

2 trip to trip?

3 A. Well, here at the Straits we will
4 say from Mackinac Bridge until you get out probably
5 right to Lansing Shoal it is very hard to communicate
6 with any other shore base station.

7 Q. Go on.

8 A. The shore base station that is
9 used mostly on Lake Michigan when you are going to
10 Chicago is Port Washington.

11 Q. Yes?

12 A. Many times you are almost down in
13 sight of Port Washington before you can raise the
14 station on the RT.

15 Q. You mean to say that you would
16 not have been able to reach the station right from
17 the start, from the top of Lake Michigan?

18 A. Oh, no. Of course mind you this
19 depends a lot on the set, on the equipment that the
20 ship has, too.

21 Q. Yes?

22 A. Some ships have very good RT
23 equipment and some just pass the inspection.

24 Q. Yes, but I am talking about ships
25 with reasonably good equipment. I am not talking
26 about defects in the equipment of the ship. I was
27 rather raising the point of blackouts which would be
28 due to some factors completely outside of the control
29 of the ship. Do you experience this in the Straits
30 of Mackinac?



1 English

2 A. In the area here, that is very bad.

3 Q. That is the Straits of Mackinac
4 area?

5 A. Very poor radio communication with
6 shore based stations.

7 Q. Have you ever had any information
8 as to the cause of these difficulties?

9 A. No.

10 Q. Are there any other points on
11 the lakes where you experience similar difficulties?

12 A. Well, of course, that is a thing
13 that occurs quite regularly on all the lakes in our
14 District, but I think probably it is more prevalent
15 on Lake Michigan and Huron than it is on Lake Erie.
16 Even on Lake Erie you can be within 30 miles of the
17 shore base station sometimes and not be able to raise
18 them on the radio-telephone.

19 Q. Would that be because of poor
20 equipment on the ship?

21 A. No, atmospheric conditions.

22 Q. Do you get satisfactory service
23 from the radio station?

24 A. Yes. I was going to say sometimes
25 on Lake Michigan you will get a station on Lake Erie
26 and be able to communicate with him twice as well as
27 you can with one on Lake Michigan, and vice versa.

28 Q. There has been evidence before
29 this Commission to the effect that elsewhere on the
30 river they had some difficulties in getting answers from



1 English

2 the station; that is, there would be long delays
3 before they would get answers from the station. Do
4 you experience this here or do you get comparatively
5 good service in that respect?

6 A. I have to admit that we get much
7 better service from the American privately owned
8 stations than we do from the Canadian stations.

9 Q. In what sense? What do you mean?

10 A. Well, there is not that delay in
11 waiting. The American stations seem to be out for
12 business because every call means that much more to
13 them. And they are better manned, I think -- they
14 must be -- than the Canadian stations. I think they
15 expect much too much from the operators on the Canadian
16 stations.

17 Q. But as far as your stating this,
18 it is only from ---

19 A. This is just my own opinion.

20 Q. Yes, but from your own experience
21 would you say that the delays in answering calls are
22 longer from Canadian stations generally?

23 A. Oh, definitely.

24 Q. Than from American stations?

25 A. Yes. Another thing is that the
26 American stations stand watch on two or three channels
27 -- continuous watch on two or three channels. So if
28 it was in emergency and the emergency distress channel
29 is busy you can get in touch with an American station
30 through one of the other channels. The Canadian



1 English

2 stations only stand watch at their one station on
3 distress call frequency 2182.

4 Q. Do you know of any harbours or
5 pilotage Districts for all that where there are
6 compulsory limits on ships' draught?

7 A. No.

8 Q. You do not know yourself of any
9 ports where there would be a compulsory limit on
10 draught?

11 A. No.

12 MR. JACQUES: Or, to pursue this
13 matter, where there would be a requirement from an
14 authority of some kind, be it a port authority or
15 the Coast Guard, for an under-keel clearance of a
16 given number of feet or inches?

17 THE WITNESS: No.

18 MR. JACQUES: It is not normal?

19 THE WITNESS: It is quite common
20 on the lakes here that these salt water ships, they
21 come up and they are supposed to load to a draught of
22 25 foot six and they are going to load to 25 foot six
23 if there is only 25 feet of water.

24 MR. JACQUES: 'Has that occurred
25 on some of the ships on which you were pilot?

26 THE WITNESS: Yes.

27 MR. JACQUES: Thank you.

28 MR. LALONDE: Q. What happens
29 then?

30 A. Well, you take tugs and dredge.



1 English

2 That happens in Toledo often with the fluctuation of
3 the water in Toledo harbour. You will go up to one
4 of these grain elevators and they load the ship to
5 25 foot 6; you put so many tons in and away you
6 go.

7 Q. You are helping in dredging?

8 A. We are helping with the dredging
9 of the channel.

10 Q. And also polishing the rivets
11 of the ship?

12 A. And sometimes the bridge abutments.

13 Q. You have mentioned in your evidence
14 on numerous occasions that you had to moor ships
15 either at tie-up walls in the Welland Canal or in
16 rivers like the Calumet River. Do you have linesmen
17 in all these places?

18 A. No. In particular ports, in
19 some ports linesmen are on the quays, but in the
20 Seaway, the Welland Canal, on all the tie-up walls
21 there, there are no linesmen. You must land crew
22 members onto the quay to handle the cables.

23 Q. I understand you have linesmen,
24 however, in the locks themselves?

25 A. In the locks themselves there are
26 linesmen.

27 Q. In the Calumet River, for instance,
28 if you are mooring the ship to let another ship go
29 by, do you have linesmen available?

30 A. No; you use your own crew members.



1 English

2 Q. What places had you in mind when
3 you stated that there are harbours where you had
4 linesmen?

5 A. Cleveland, Detroit; most of the
6 terminals where ships are going to discharge ---

7 COMMISSIONER SMITH: Chicago?

8 THE WITNESS: In Chicago, yes.
9 Once again that is entirely up to the ships' agents
10 and the ships' Masters. Some ships hire them and some
11 ships do not. Some ships want to use their own, but
12 once in a while they get in difficulties with the
13 stevedoring companies if they do that too.

14 MR. LALONDE: Q. I presume you
15 are using the same method as elsewhere further down
16 on the Seaway to land your men on the tie-up walls?
17 That is, do you use landing booms?

18 A. The ships are fitted in Montreal
19 with landing booms but in ballast ships on the way
20 up the Seaway a landing boom is fitted for and around
21 the fo'c's'le head at some point and they are very
22 high. On some ships I have had Masters tell me that
23 it is very difficult to get sailors to do it because
24 evidently in other countries there are laws that
25 prevent that sort of thing.

26 I remember on one ship I was on
27 myself the Master told me that when he came in at
28 St. Lambert Lock in Montreal and they found out they
29 had to land men to handle the cables on the tie-up wall,
30 the only way he could get his crew or any of his crew



1 English

2 to use the landing boom was to have the bosun do
3 it. If the bosun would swing off the crew members would
4 swing off.

5 Q. I see. Did you experience diffi-
6 culties yourself or were you ever in trouble yourself
7 with these landing booms at tie-up walls?

8 A. Not with the landing booms, but
9 on many ships there is quite a slow procedure to get
10 men onto the landing wall, which makes it very bad
11 when the wind and current are setting the ship off
12 the wall. It is an entirely different operation
13 altogether on a salt water ship than it is on a lake
14 ship because they are used to that. They expect it
15 and they do it every day of their lives practically,
16 so it is quite a common occurrence.

17 Q. That is, on lake ships?

18 A. That is on lake ships.

19 MR. JACQUES: Would you point
20 out more precisely the differences between the two,
21 please?

22 THE WITNESS: Between the two?

23 MR. JACQUES: You say it is a
24 totally different operation on a lake ship than it
25 is on a salt water ship. Could you point out the
26 difference, please?

27 THE WITNESS: Well, a salt water
28 ship comes to the Seaway maybe once or twice in
29 twelve months. The lake ship is up and down or in
30 and out of port practically every day of the season;



1 English

2 so they are doing it nine months continuously every
3 day, where with a salt water ship the crew would
4 only have to do it maybe six days out of the year at
5 least, maybe twelve days out of the year.

6 MR. JACQUES: So in your opinion
7 it is more a question of training between the two
8 different crews?

9 THE WITNESS: That is correct.

10 MR. LALONDE: Q. Has the
11 construction of the ship anything to do with the
12 difference, however?

13 A. Well, salt water ships are much
14 higher and they have these flair bows on them. And
15 they are much, shall we say, sharper in the stern
16 or in the forward end of the ship than the lake boats.

17 Q. Would this make also a difference
18 between lake ships and ocean going ships as far as
19 landing men is concerned apart from the experience
20 aspect?

21 A. Yes. It makes it much harder
22 because the ship has to be practically flat up against
23 the quay before you can get your men off, whereas
24 on a lake ship you can hold her into the wind and
25 land your men.

26 Q. In your experience has this
27 practice of landing men from ocean going ships caused
28 delays in the operation of the Canal or in the
29 transits ^{all} ~~of~~ around?

30 A. Quite often it does, because, as



1 English

2 I have explained about the salt water crews not being
3 as used to it, they are slower at doing it; they
4 are slower at getting their cables ashore and every
5 once in a while they are just a little bit too long
6 and the ship blows off the quay almost over onto the
7 Canal bank and then you have to run lines across the
8 Canal and haul her back to the wall. Numerous times
9 it has caused delays.

10 Q. Have you experienced this yourself,
11 these delays?

12 A. No; I have never had a ship
13 going away at the end.

14 Q. At the other end?

15 A. But I have just been lucky in that
16 it has not happened.

17 MR. JACQUES: Have you seen an
18 incident such as the one you have described?

19 THE WITNESS: Many.

20 MR. LALONDE: Q. Even though
21 yourself you did not have that unfortunate experience,
22 does the present practice mean to you a longer time
23 in tying up the ship at the wall than if you had
24 linesmen?

25 A. Yes.

26 Q. Or is it the same thing?

27 A. No. If we had linesmen at the
28 tie-up walls it would be much faster, much safer,
29 both for the ship and the Seaway property; it would
30 be much safer.



1 English

2 While we are talking about tying
3 up at the tie-up wall, another problem we encounter
4 on the salt water boats is the steering. The lake
5 boats have much bigger rudders and they answer the
6 rudder much easier and faster than most of the salt
7 water ships do. Years ago when the salt water
8 ships came up in the old Seaway, in the small Seaway,
9 they used to all stop at Montreal and have an extension
10 put on their rudder. They built the Seaway now, which
11 is bigger, but the ships are much bigger too and they
12 do not do anything with their rudders. They use the
13 same rudder in the confined waters as they do in the
14 open sea.

15 Q. Does that create particular
16 difficulties?

17 A. It creates difficulties in
18 handling the ship.

19 Q. What kind of difficulties? What
20 does it mean?

21 A. The ships will not answer the
22 rudder, the smaller rudder as fast as they would if
23 we had a bigger rudder on it.

24 Q. If I may come back to this question
25 of mooring ships, have you yourself experienced ships
26 where the mooring equipment was not satisfactory on
27 deep sea ships?

28 A. I would say that about 95% of the
29 ships that come up here have not proper mooring equip-
30 ment.



1 English

2 Q. What do you mean by this? What
3 effect do you find?

4 A. Well, they use cargo winches for
5 mooring winches and they run cables off the cargo
6 winches through the blocks out through fairleads at
7 the ship's side.

8 Q. What inconveniences does that
9 mean -- that is, using cargo winches?

10 A. Cargo winches are, shall we say,
11 much faster and they are cargo winches built to stand
12 the strain of maybe five, ten tons. It is a combination
13 of cargo winches and maybe inexperienced winch men
14 as far as using mooring cables to tie up the ship.
15 Most salt water ships are all moored with hand lines
16 and manila lines; but it is a law in the Seaway that
17 they must have four live wires with which to secure
18 the ship any place in the Seaway. So it is quite
19 natural; they have these winches on there and they
20 use the cargo winches for mooring winches. You go
21 to tighten up a wire and it is so fast and hard that
22 away goes the wire. That usually happens when there
23 is a wind blowing and you need that cable to help
24 secure you to the wall. They tighten up too quick,
25 why, for one reason or another, and break the cable
26 and then you are away.

27 Q. I am told that one of the diffi-
28 culties with cargo winches is that they have little
29 give, you would say, little extension possible on
30 them?



1 English

2 A. A mooring winch is usually made,
3 the newer types of mooring winch, so that if a
4 certain tension comes on a wire

5 THE CHAIRMAN: It gives?

6 THE WITNESS: It gives; whereas
7 a cargo winch, once the winch is stopped, why, then
8 it is just solid. There is no give to it; it will
9 not pay out; it will just break the cable.

10 MR. LALONDE: I notice you quote
11 a pretty high figure of 95% where the equipment would
12 not be satisfactory. Do you mean that in your
13 experience on about 95% of the ships you did not have
14 those mooring winches?

15 A. That is correct. I think that
16 figure is a little low, but we will say 95%.

17 Q. You mean it is a little bit low?

18 THE CHAIRMAN: We are going to
19 adjourn for a few minutes. I think the witness has
20 been there more than an hour and a half. We will
21 adjourn for ten minutes.

22 ---SHORT RECESS
23
24
25
26
27
28
29
30



1 English

2 Q. Are there difficulties in connection
3 with tying up ships along the tie-up walls, with deep
4 sea ships, other than the poor mooring equipment of
5 these ships and the fact that you don't have linesmen
6 ashore?

7 A. Well, there is always the language
8 barrier on non-English speaking ships. By the time
9 you tell the master what you want and then the master
10 relays that to the officer on watch, and the officer
11 or maybe it is the master, directly hollers down to
12 the men in charge on deck in his own language to tell
13 them exactly -- and, of course, in transmission of
14 this sometimes it gets distorted -- by the time you
15 get it to the man who is going to do it, with the delay,
16 why, then, it is too late.

17 Q. I understand, however, that this would
18 not be a difficulty which would be cured by having
19 linesmen on the tie-up wall, or would it?

20 A. Well, it would facilitate matters some,
21 because if linesmen are on the wall they have some idea,
22 after handling lines for a hundred ships -- they have a
23 fair idea of what is going on, whether the ship is
24 in difficulty or is just making a normal morning, or
25 whether there is something gone wrong and she is in
26 trouble.

27 Q. I see. If I understand you rightly,
28 then, this would mean that the crew would follow more
29 the procedure which they follow elsewhere in other
30 ports, I suppose? Is that what you mean? The



1 English

2 language difficulty would not exist so much because the
3 crews of the ship would be following the same procedure
4 which they are following in most harbours of the world
5 where they go?

6 A. Yes; and, of course, quite a number
7 of salt water ships -- we get the same story from the
8 master, that he is allowed so many crew members to
9 operate the ship; therefore, if he has to put two, three,
10 or four men on the quay that leaves him two, three, or
11 four men short on the ship and then he hasn't got the
12 personnel to actually handle the wires aboard the ship
13 that he should have.

14 On the language barrier, too, we find it
15 is quite difficult at times issuing orders to the
16 helmsman. The helmsman doesn't speak English. By
17 the time that it is translated by the officer or the
18 master to the helmsman and you are handling ships at
19 close quarters with current and wind -- handling 75-foot
20 ships -- with a beam of 75 feet -- we put them into locks
21 80 feet wide, with no cables, where we just sail into
22 the lock, that necessitates a good helmsman in order
23 to travel into the lock. In this list that was filed
24 this morning there were probably a few instances on
25 that where the ship wasn't steered into the lock --
26 inside the lock -- and there would be bumps against
27 the lock walls; and quite often that is caused by the
28 helmsman not understanding immediately the order that
29 was given, or there has been a mistake in the trans-
30 lation of the order from your intermediate, coming from



1 English

2 you to the officer and from the officer to the helmsman.

3 This works fine where there is lots of room,
4 but where you are handling ships and where you don't
5 even have feet to play with -- you have inches to play
6 with -- why, 5 or 10 seconds makes a great difference
7 in the handling of the vessel.

8 Q. Yes. We have been proceeding up the
9 lake. Are there special points which you would like to
10 mention if you were to take a ship downbound?

11 A. Well, downbound we encounter differences
12 in anchoring. Downbound we have the current behind
13 the ship and you have to turn the ship in order to
14 anchor, or to stem into the current.

15 At one time the Seaway was going to require
16 that all ships that came through the Seaway have stern
17 anchors. Evidently this has gone by the board because
18 most of the ships that come up haven't got a stern
19 anchor, and we can't use the stern anchor if the ship
20 hasn't got one.

21 Now, in the Welland Canal downbound it is
22 almost an entirely different operation than going
23 up.

24 THE CHAIRMAN: While we are on the stern
25 anchors, what is your opinion of stern anchors you have
26 seen? Are they useful?

27 THE WITNESS: Very useful so far as
28 anchoring downbound is concerned.

29 THE CHAIRMAN: Are they much smaller than
30 the others?



1 English

2 THE WITNESS: On the lakeships there are
3 some smaller, but not particularly; they are about
4 the same size.

5 THE CHAIRMAN: In handling the ship they
6 are quite useful?

7 THE WITNESS: They are very useful, I would
8 say.

9 THE CHAIRMAN: We have heard some contra-
10 dictory evidence on that.

11 MR. LALONDE: Q. I think you stated
12 that ocean-going ships didn't have these stern anchors,
13 or didn't have one...

14 A. There are some with them, but the
15 vast majority have no stern anchors.

16 Q. And those that have them -- are they
17 satisfactory?

18 A. Well, some of them have a make shift
19 stern anchor. I have found them satisfactory only
20 if they are built right into the ship. A ship that
21 comes to my mind which has a very good stern anchor
22 is the MAKEFJELL.

23 Q. You were saying that in the Welland
24 Canal downbound the situation was rather different?

25 A. The reporting buoy is about 3 miles
26 off this pier head light here at Port Colborne. You
27 receive your orders from the dispatcher who is situated
28 down here (indicating) at the guard gate. He controls
29 all the traffic for the Welland Canal from this point.

30 Q. Excuse me. Would you circle the guard



1 English

2 gate with a green pencil on Exhibit 980, Canadian Chart
3 2042 of the Welland Canal.

4 A. Yes.

5 --- The witness did so.

6 As stated, all the traffic from Port Weller
7 to Port Colborne is controlled by a man who is situated
8 about half way up between the two points. When you
9 call him the only thing he has to go by is what you
10 tell him out here (indicating). He is supposed to
11 control all the traffic even in Port Colborne harbour,
12 naturally, because that is the entrance to the Welland
13 Canal. So he gives you permission to come on in here,
14 and if you wish to tie up you wait for lock 8 which is
15 here (indicating); and the tie-up walls are from bridge
16 21 down towards the lock, to the limit of the approach
17 sign marked on this chart. When you come through the
18 new bridges after negotiating the outer harbour and the
19 inner harbour -- when you come through these two bridges
20 you come to the tie-up wall, and right to the west of
21 where the tie-up wall begins there is a weir, a dyke,
22 or a feeder which runs down here...

23 Q. Would you explain what you mean by
24 "here"?

25 A. It runs down and makes an island --
26 how will I explain this...? This feeder runs down
27 to the west of this tie-up wall, and the feeder is for
28 water to operate the canal with.

29 Q. Yes; and it appears in blue on Exhibit
30 980, on this chart.



1 English

2 A. This causes a very strong current off
3 this tie-up wall.

4 This is one of the two places in the Welland
5 Canal that the Seaway Authority, because there were so
6 many ships getting into trouble through the excess
7 current running down through this weir -- the Seaway
8 Authority finally put two linesmen there in order to
9 assist ships coming in there.

10 Q. Would you indicate in red with a red
11 arrow the direction of the current?

12 A. Yes.

13 --- The witness did so.

14 You moor the vessel there (indicating) and
15 when your turn comes to lock down, just north of the lock
16 there is the discharge from this weir. The weir pulls
17 you to the west when the water is going into the weir
18 and when you come out of the weir there is a strong
19 current shoving you to the east here (indicating).

20 Q. Would you also indicate the direction
21 of the current there?

22 A. Yes.

23 --- The witness did so.

24 COMMISSIONER SMITH: Are there any controls
25 on this weir, or feeder canal, or whatever you call it?

26 THE WITNESS: There are a number of gates on
27 the weir, and they use these -- it is my understanding
28 that they use these gates to control the depth of water
29 in the long level of the Welland Canal.

30 COMMISSIONER SMITH: But these gates wouldn't



1 English

2 control or minimize in any way the currents that
3 interfere with the mooring or the tying up of ships?
4 They have nothing to do with that at all?

5 THE WITNESS: No; the control gates for
6 this weir -- I think they are marked on this chart...
7 No, I guess they are not. They are some place in
8 behind here. I don't know exactly, but they are on
9 the other side of this...

10 MR. LALONDE: Call it an artificial
11 island.

12 THE WITNESS: ...the other side of this
13 artificial island which has been created here. They
14 are back in here (indicating) some place and they have
15 some control of it. I imagine they are maybe at the
16 highway or some place around there, but I am not sure.

17 COMMISSIONER: SMITH: But, in any event,
18 whatever they are and wherever they are they don't
19 help to minimize the perils in navigating, or mooring,
20 or...

21 THE WITNESS: The gates are left open
22 enough to keep the level at a certain depth. As the
23 ships lock through the canal it draws that much water
24 off and they have to open the gate -- if there are ships
25 going by they have to open the gates because they are
26 using that much more water.

27 I am not an hydraulic engineer and I don't
28 just know, but that would be my explanation of it.
29 But if a ship does get into serious trouble here I
30 know that they can shut the gates at the weir and do



1 English

2 away with most of the current.

3 COMMISSIONER SMITH: That is what I mean;
4 there is control over the current.

5 THE WITNESS: There is control, but the
6 control is only used when somebody gets into serious
7 trouble and they have to shut the current off in order
8 to get him out of it. But in the usual run of things,
9 why, the current remains constant at maybe 3, 4, or
10 5 miles per hour at times.

11 So that above the lock the current sets
12 strongly to the west and below the lock the current
13 sets strongly to the east and it makes it quite difficult
14 there.

15 Then we come on down to bridge 15 in the
16 Welland Canal. It is a swing bridge. It is a rail-
17 road bridge. It belongs to the New York Central.
18 We have a saying amongst ourselves that "Bridge 15
19 keeps New York Central solvent."

20 MR. LALONDE: And the lawyers busy.

21 THE WITNESS: Because of the amount of
22 claims that have been made on this railroad bridge of
23 the New York Central at bridge 15. As you see on
24 the chart, it is a perfectly straight channel until
25 we get down to bridge 16; and then down at bridge 15
26 you have to make a turn there; and, naturally, the
27 water is flowing straight down and when it comes down
28 here and you turn it causes currents. It is almost
29 impossible with even a medium sized ship to come down
30 and go through the east draw of this bridge; because of



1 English

2 the current you can't get over there; so you have to
3 use the west draw. The west draw of the bridge
4 is 102 feet and the east draw is 92 feet, if I remember
5 correctly. So with the big ships -- as we said before,
6 we have 730-foot length ships, with 75-foot beams;
7 we have salt water ships up to 75 feet 6 inches in
8 beam, 600 feet long.

9 Even with a medium sized ship this is a
10 tricky operation through this New York Central bridge
11 here. It has been somewhat alleviated in the last
12 season. They dredged a wider channel here just below
13 the bridge which helps out considerably, but even yet
14 it is quite interesting around that bridge, and we
15 try at all times never to meet a ship in this particular
16 area. There is a good many hours wasted over this
17 bridge in the Welland Canal.

18 We come on down to the guard gate. We come
19 through the guard gate. Now, this pondage above the
20 guard gate controls or is used for all the water in
21 the twin locks, Lock 7 and the twins, 4, 5 and 6.
22 So if they are filling the locks there we experience
23 a very bad current in this basin here, especially
24 when you get alongside down to the tie-up wall above
25 this bridge, N. S. & T bridge here.

26 Q. Will you indicate the direction of the
27 current?

28 A. Well, the current can be any way.
29 The current is not constant here except there seems
30 to be a constant set off the tie-up wall just above



1 English
2 bridge 8 here.

3 Q. Would you indicate the area where the
4 set is with an arrow?

5 A. Between those two red lines there seems
6 to be a set.

7 Q. Yes, and the direction of the set is
8 indicated on the chart by an arrow between two red
9 lines? Yes.

10 A. The Seaway authority have seen fit on
11 the outbound trip there to put linesmen above bridge 8
12 here on the west wall for ships upbound. I personally
13 think sometimes I would rather take my chances upbound
14 in getting tied up than I would downbound, and have
15 the linesmen over on the other side.

16 We come on down through Lock 7 here, and
17 then we get into the basin between lock 7 and 6.
18 That is above the twin locks, twin six. The downbound
19 ships use the easterly lock, the lock on the easterly
20 side, and the upbound ships use the lock on the westerly
21 side.

22 Many times when you are coming down this
23 basin, especially when they begin to fill this lock
24 to take a ship upbound, it causes currents in here,
25 and when they dump Lock 7, whether the pondage isn't
26 big enough I don't know, but it seems just about
27 the time after they have dumped and lowered you in
28 Lock 7, the water goes off into the pondage, and just
29 about the time you are coming out of Lock 7 you get the
30 pressure that builds up at the far end of the pondage,



English

and then it all rushes back here again, and it has a tendency to make all the ships steer very badly between Locks 7 and 6.

As I explained, there are two reasons for that I think. I think it is filling Lock 6, and this water that has been dumped out of Lock 7 coming back here.

You go through the twin locks 6, 5 and 4, and then we have tie-up walls above Locks 3, 2 and 1. Once again we experience this current from the weirs. It has a tendency to pull all ships off the wall over towards the weir. The same thing --

Q. Would you again make an arrow with red pencil indicating the set, I understand.

A. Yes, pull or set into the weirs.

Q. Yes?

A. This happens, as I said, both at Locks 3, 2 and 1.

Q. Yes.

A. Now, there is difficulty too in meeting ships in these levels between the locks. Ships are loaded to 25 feet six, and there is 27 feet of water or so, and the canal at the bottom is from 190 to 200 feet wide. At the top, the surface of the levels we have 300 feet, but below that we have maybe 190, 200 feet.

You have two big ships deeply loaded, one upbound and one downbound meeting in that narrow water without any tugs or anything, and the suction of the



1 English

2 two ships and the canal bank, why it requires quite
3 good timing on both pilots in order to meet and pass
4 safely and not touch one another and not touch the
5 canal bank.

6 Also the big factor on the upbound ships
7 in the canal of course is this prevailing west and
8 southwest winds, and meeting one another even if you
9 are in ballast. So it almost looks as if you can't
10 win. If you are loaded deep, you are in trouble
11 meeting ships; if you are in ballast and light, you
12 are confronted with this wind proposition holding
13 the ships off.

14 When you leave Lock 1 here you come down
15 into the inner harbour of Port Weller, usually this
16 tie-up wall here is lined with ships waiting to proceed
17 up the canal, and then you proceed on up through and
18 you start your voyage down Lake Ontario.

19 Q. If the ship has a B certificate or
20 whether you are relieved by a lake pilot, I understand
21 you are relieved in the same area as the one you
22 embarked?

23 A. Yes.

24 Q. On exhibit 967 where there is indicated
25 the embarkation point, calling points, will you state
26 to the Commission the harbours where you might be called
27 upon to go on Lake Ontario?

28 A. Just before we get to Lake Ontario
29 there I might say that last year in the Welland Canal
30 the upbound passages were 3,898. Downbound passages



1 English

2 were 3,921. These figures were obtained from the
3 Seaway Authority here at St. Catharines.

4 Q. That includes both deep sea and lake
5 vessels.

6 A. That includes both deep sea and lake
7 vessels. Foreign ships upbound last year were 1,004.
8 Foreign ships downbound, 1,008. These are the Seaway
9 Authority's figures. I don't know, something happened
10 some place.

11 Q. I understand that there was some left
12 over from previous years?

13 A. There must have been.

14 Q. And there might also have been a couple
15 of ships still on the lakes; isn't that possible?

16 A. I think there were some naval ships
17 built on the lakes last year. By the way, the number
18 of foreign ships last year that went above Lake Huron
19 light vessel -- the numbers were obtained from the
20 Great Lakes Pilots Association at Port Huron -- 930
21 ships that went west of Sarnia or Port Huron.

22 I don't know if anybody in their testimony
23 has said that the locks in the Welland Canal are the
24 same size as the ones in the Seaway; they take ships
25 up to 730 feet long and they are 80 feet in width.

26 Now, the harbours on Lake Ontario we have
27 to be familiar with are Hamilton, Port Credit, Toronto,
28 Oshawa, Cobourg and Kingston on the Canadian side.

29 On the American we have Oswego, Sodus Bay
30 and Rochester. There are other harbours, but those



1 English

2 are the main ones we are concerned with.

3 We take a ship and we leave here at Port

4 Weller --

5 Q. How many harbours are there altogether?

6 A. I listed nine. We leave Port Weller
7 and we proceed down to Niagara Buoy, and then down to
8 Point Peter, and from Point Peter on into the main docks,
9 and on down through there, which is a voyage of about
10 12, 15 hours from the Welland Canal until we are
11 relieved here with pilots in No. 1 District.

12 Q. Now, as you did on the other charts,
13 would you state the practices you follow once you have
14 passed the calling point, let us say, at Port Weller?
15 Are you relieved immediately?

16 A. Out at Niagara Buoy.

17 Q. At Niagara Buoy?

18 A. Which is about 8 or 9 miles from Port
19 Weller.

20 Q. Would you circle Niagara Buoy in red
21 and put the letter A? Yes.

22 A. Then we make a landfall here at Point
23 Peter. We are usually called a half hour before we
24 are due at Point Peter.

25 Q. Would you make a circle and put the
26 letter B at the point where you asked to be called? Yes.

27 A. And then from there on in you are up
28 all the time. At this point here at Cape Vincent
29 where we are released by the District 1 pilots to
30 Calumet Harbour at the foot of Lake Michigan is 1,073



1 English

2 miles.

3 We have more than 50 ports that are usually
4 used on the Great Lakes in our District. We have a
5 canal which is 28 miles long. We have two rivers
6 that are 87 miles long, and that constitutes District
7 No. 2.

8 Q. Did you take note of Chapter 2 in
9 Exhibit 1005? That is the brief submitted by the
10 Corporation of Professional Great Lakes Pilots. Page
11 3, paragraphs 6 to 9. Would you tell us whether this
12 is a fair description of your District?

13 A. Yes, I would say that is a fair
14 description of our District, but I just note one thing:
15 It must be a printer's error because they have
16 lengthened out ships here about 20 feet and it would
17 be impossible to --

18 Q. I am informed indeed that there was
19 a printing error. Would you make a correction of
20 ships of 750 feet I presume then. How does it read?

21 A. 730.

22 Q. It reads 730. Did you keep records
23 yourself of your working hours during the last two years?

24 A. Yes.

25 Q. I am showing you various documents which
26 bear a signature. Is that your signature?

27 A. Yes.

28 Q. Have these documents been prepared by
29 yourself?

30 A. By myself, yes.



1 English

2 Q. What is the source of the information
3 contained in these documents?

4 A. From my own personal log that I keep.

5 MR. LALONDE: I would like to file, My Lord,
6 probably in a bundle three separate documents under
7 Exhibit No. 1042. The first document is time worked
8 by Captain Albinson during the various months of April
9 to December, 1960, 1961. The second document gives
10 information for 1961, 1963. A third document,
11 including several sheets, gives a breakdown, a further
12 breakdown of the information with regard to the year
13 1962, including the duration of the various trips in
14 the Welland Canal during that year, and also the
15 duration of part trips in the Welland Canal during that
16 year 1962.

17 --- EXHIBIT 1042: Documents prepared by Capt.
18 Albinson, time worked during
19 1960, 1961, 1962 and 1963
and breakdown of duration of
various trips.

20 Q. If I refer to the information contained
21 on the first sheet, Captain, would you briefly explain to
22 the Commission what is contained on that particular sheet?

23 A. In 1960 I went to work on the 17th of
24 April, and in that month I worked 109.7 hours, which was
25 an average of 6.45 hours. In May I worked 31 days.

26 Q. I am sorry, rather than give the details
27 which are appearing on the sheet itself, may I ask you
28 first, I notice a total of 231 days?

29 A. Yes.

30 Q. That starts from the 17th of April to the



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Albinson, dir
(Lalonde)

14331

1 English

2 1st of December; is that correct?

3 A. That is correct.

4 Q. Was the 17th of April the day of your
5 first assignment or the day when the season opened?

6 A. That is right, that was the day the
7 season opened.

8

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1 English

2 Q. Yes. Then I notice you have
3 averages which vary from 6.45 during the month of
4 April to 12.43 hours per day during the month of
5 August, which makes an average of 10.66 hours per
6 day?

7 A. Yes.

8 Q. Would you tell me what is included
9 in these hours? That is, is that only sailing time
10 or transportation time included? What is it?

11 A. There is no transportation time
12 in this 60, 61.

13 Q. Yes; what do you put in?

14 A. It is from the time that I report
15 at the pilot office for an assignment until I report
16 at the pilot boat after completing that assignment.

17 Q. This applies for both 1960 and 1961?

18 A. Yes.

19 Q. I notice in 1961 the average
20 increases to 15.84 hours per day over the year and
21 it went as high as 20.70 hours per day during the
22 month of July as an average over the whole month.
23 I notice also he had one day sick leave in August
24 during that year. Was it because of the month of
25 July?

26 A. Could be.

27 Q. For 1961 you had the same basis
28 of calculation; that is, the time you report for
29 an assignment at the station, you say?

30 A. At the station.



1 English

2 Q. Up to the time you report to the
3 pilot boat at the end of the trip?

4 A. Until I am back at the pilot
5 office after completing the assignment.

6 Q. Do you always report to the
7 pilotage office here when you embark, before you
8 embark?

9 A. If I am at Port Weller I usually
10 do, yes.

11 Q. If you were to get off, let us
12 say, in Chicago, it would be the time you would get
13 off the ship at the dock or something?

14 A. That is right.

15 Q. That would include obviously
16 work on designated and undesignated waters?

17 A. Yes.

18 Q. Let us move to the second document
19 which covers 1962 and 1963.

20 A. It covers the same; it is made
21 out exactly the same and covers the same period of
22 time as 60 and 61.

23 Q. I see, and it is calculated on
24 the basis for the average per day?

25 A. That is right.

26 Q. You had an average which went
27 as high as 18.60 in October, 1962 for an average
28 of 14.21 hours per day over the year; an average
29 of 10.962 in 1963 with an average as high as 14.5
30 hours per day during the month of November.



1 English

2 You have made a note at the end
3 of the year 63 which reads: "Take 18 days' rest
4 period out and that leaves 213 days which I put in,
5 2,532.3 hours for an average of 11.888 hours per day."
6 That is, if we were to take out the rest period
7 which you were granted you would have an average
8 of over 11 hours per day; is that it?

9 A. That is correct.

10 THE CHAIRMAN: We see that the
11 number of trips have increased there but the time
12 taken is less, so that would be on account of the
13 change at Lock 7, I suppose?

14 THE WITNESS: Yes, sir.

15 MR. LALONDE: For 62 you have
16 prepared another document. Will you explain to the
17 Commission what we have in this document?

18 A. In the month of April I was aboard
19 a ship for 5.3 hours from the time I went to work
20 on April 16th until the end of the month. I
21 travelled 1.43 hours every day that month and that
22 left me 17.54 hours that I was off duty.

23 Q. I notice that the first column
24 is a column for the month and then you have a second
25 column which is time aboard ship, which is very
26 similar, almost identical with the figures you have
27 as an average per day in 1962 for duty?

28 A. Yes.

29 Q. Then you have added the time, the
30 average time taken by travelling?



1 English

2 A. Yes.

3 Q. Which would give you the time off
4 between assignments?

5 A. Yes.

6 Q. As an average, and this average
7 went from?

8 A. The average time off went from
9 17.54 hours in April down to 5.1 hours during the
10 month of October and 5.75 during the month of
11 November.

12 Q. You have calculated an average
13 of 39 trips in the Welland Canal. Would these be
14 trips exclusively from Port Weller to Port Colborne?

15 A. Yes.

16 Q. And you have calculated there
17 again an average of 15.9 hours?

18 A. Per trip.

19 Q. Per trip. I notice you have
20 written in pencil some information. Was this
21 prepared by you?

22 A. I just did that roughly. I
23 think it is fairly correct. Of course, all these
24 figures are my own and there may be a slight error
25 in any of them.

26 Q. Don't worry; the lawyers here
27 will not quarrel with you on this.

28 A. I have no IBM machine. I made
29 a calculation here where in 1962 if I had worked,
30 had taken 52 weeks of the year, I would still have put



1 English

2 in 65.38 hours per week.

3 Q. That is, if you had to work
4 the whole 52 weeks of the year?

5 A. I had enough hours to give me
6 65.38. Our season is about 30 weeks, so my average
7 per week was 113.3 hours per week.

8 THE CHAIRMAN: What year was it?

9 MR. LALONDE: 1962.

10 Q. I notice that you have all the
11 individual trips in the Welland Canal which you made
12 that year and which gave you an average of 15.9 hours?

13 A. Yes.

14 Q. Also partial trips in the Canal.

15 COMMISSIONER RENWICK: I suppose
16 the feet would be up during some of that long week
17 though?

18 THE WITNESS: Almost with
19 necessity. The Department has been very complimentary
20 as regards our covering the vast area in our District
21 that we do and still keep track of everything as we
22 should. It is a case of the old cliché: I think I
23 would rather be a dead coward than a live hero.

24 MR. LALONDE: I think with this,
25 My Lord, I have no further questions.

26 As a matter of fact, is it not
27 the reverse? I did not catch you right there. I
28 do not know the cliché very well, but it seems funny.

29 THE WITNESS: Maybe.

30 MR. JACQUES: It depends what you



1 English

2 mean.

3 THE WITNESS: Yes. What I meant
4 was that I would rather not be such a hero and have
5 less work, shorter hours -- less to contend with
6 in the District.

7 THE CHAIRMAN: We still have ten
8 minutes to go if anybody has any questions.

9 CROSS-EXAMINATION BY MR. BRISSET:

10 Q. Captain, before you joined the
11 pilotage service I think you told us that you were
12 Master on lake vessels for the Scott Misener Company;
13 that is correct?

14 A. Yes, that is correct.

15 Q. And you joined the pilotage
16 service in 1960 in District #2?

17 A. That is correct.

18 Q. Captain, what attracted you to
19 the pilotage service at that time?

20 A. The part of their ad that said:
21 "Port Weller to Sarnia".

22 Q. In other words you considered
23 at the time that the work of a pilot might be less
24 arduous than that of a Captain?

25 A. Yes.

26 Q. That is correct?

27 A. That is correct.

28 Q. As a Master, I take it, Captain,
29 that you would be considering that the Master of a
30



1 English

2 ship works 24 hours a day for the full season of
3 navigation on the lakes?

4 A. Yes, he is on duty.

5 Q. Twenty-four hours a day for
6 the nine or eight months of the season?

7 A. He certainly is responsible for
8 his ship for 24 hours of the day regardless of how
9 long it takes.

10 Q. As far as a Master of an ocean
11 vessel is concerned I take it you would consider
12 that he is on duty 24 hours a day for 365 days
13 unless he gets leave during the year?

14 A. He is responsible for his ship,
15 yes.

16 Q. I think you told us that you had
17 a certificate, a Master Home Trade?

18 A. That is correct.

19 Q. That certificate, Captain, would
20 entitle you to serve on ships going down to the
21 Carribbean, for instance?

22 A. Yes.

23 Q. Have you ever served on the ocean?

24 A. No.

25 Q. Would you think, however, that
26 with your qualification as a Master holding a Home
27 Trade ticket you could take a ship down to the
28 Carribbean, lay courses with the aid of charts and
29 find your way?

30 A. Yes.



1 English

2 Q. Even though you have never been
3 there before?

4 A. Yes.

5 Q. Would you think that if you were
6 going down to the Carribbean for the first time
7 and met cross traffic you would have any difficulty?

8 A. No, not particularly.

9 Q. That is because as Master of a
10 ship you have been able to meet ships before on
11 crossing courses; am I correct?

12 A. I did not....

13 Q. In other words it is not anything
14 that is beyond the ordinary for the Master of a
15 ship to meet another ship that is on a crossing
16 course?

17 A. In order for me to obtain the
18 certificate that I had I had to learn the rules of
19 the road as applicable in that District.

20 Q. Yes. So if you were going down,
21 say, to the Carribbean, even though you have never
22 been there before, if you had to meet other vessels
23 on crossing courses you would have the ability to do
24 it?

25 A. Because I have studied and learned
26 the international rules of the road.

27 Q. I would like to go back on the trip
28 which we made yesterday and today and in relation to
29 the ports, the 50 ports of which you have spoken, am
30 I right in understanding that these ports are ports



1 English

2 that are called into by lake and ocean vessels alike?
3 For instance, you told us that on Lake Erie there were
4 18 ports?

5 A. That is correct.

6 Q. Which you listed for us. Are
7 all these ports ports at which ocean vessels will
8 call?

9 A. To the best of my knowledge every
10 port that I have listed has had salt water ships in.

11 Q. So that applies to all the ports
12 mentioned to us?

13 A. I have mentioned.

14 Q. I recall you mentioned it for one
15 lake, but I wanted to be sure that the situation
16 was the same for the other lakes. Let us go back
17 to Chicago, Captain, to start at the other end. When
18 you go into Chicago or into the Calumet River in
19 Chicago with a salt water vessel you have tugs, have
20 you not?

21 A. Yes.

22 Q. To assist the vessel?

23 A. Tug or tugs.

24 Q. Is it not a fact that depending
25 upon the size of the vessel you may have one or two
26 tugs; is that correct?

27 A. That is correct.

28 Q. When you say two tugs there is
29 one tug forward and one tug aft?

30 A. That is correct.



1 English

2 Q. You are aware that there are
3 pilots who are now working in the Chicago area
4 to service not only Chicago but ports in the vicinity
5 since last year -- registered pilots?

6 A. Yes.

7 Q. When you take a ship, say, to
8 Chicago as a trans-lake pilot and you have to berth
9 the ship in one of the ports served by the port pilots
10 located at Chicago, is the work done by yourself or
11 by the port pilot?

12 A. It is done by the District pilot,
13 by myself.

14 Q. By yourself; in other words you
15 are not relieved in Chicago for instance by the port
16 pilot?

17 A. No.

18 Q. And that applies to the other
19 ports, I take it, that are served by the Chicago
20 port pilots?

21 A. That is right.

22 THE CHAIRMAN: Do you wish to
23 interrupt here, Mr. Brisset?

24 MR. BRISSET: Yes.

25 THE CHAIRMAN: We will adjourn
26 now until 2:30 this afternoon.

27 ---LUNCHEON ADJOURNMENT.
28
29
30



1 English

2 ---ON RESUMING AT 2:30 P.M.

3 GEORGE ALBINSON, Recalled

4 CROSS-EXAMINATION BY MR. BRISSET: (continued)

5 Q. Captain, when you want to
6 proceed into Green Bay port there is, is there not,
7 an alternate route instead of through the Sturgeon
8 Bay Canal?

9 A. That is correct.

10 Q. This is a route which, I under-
11 stand, is, perhaps, a bit longer; is that correct?

12 A. That is correct.

13 Q. But you don't have to go through
14 narrow passages as in the Canal?

15 A. Not as narrow as the Canal.

16 Q. In other words, the entrance
17 to Green Bay is to the north at the top of chart 7?

18 A. That is correct.

19 Q. Which is Exhibit 1035; is that
20 correct?

21 A. That is correct.

22 Q. Do you at times use this route
23 yourself?

24 A. Yes.

25 Q. Is there any particular reason
26 why at times you use the Sturgeon Bay Canal and at
27 other times use the other route?

28 A. Usually the Master insists that
29 he doesn't want to travel the extra distance, or it
30 is a matter of time; he wants to be in Green Bay at



1 English

2 eight o'clock in the morning instead of ten or eleven.

3 Q. In such cases you would use the
4 Sturgeon Bay Canal?

5 A. If conditions were all right, yes.

6 Q. Now, Captain, you have described
7 for us this trip across Lake Huron and across
8 Lake Michigan when you have to do trans-lake work,
9 and there is one remark which you have made and I
10 would like to clarify. You have said that pilots,
11 and possibly even yourself, have complained about
12 the fact that you were being called in order to handle
13 the radio-telephone. Was that in cases of pilot
14 messages being sent over the radio-telephone, or
15 messages concerning the navigation of the ship?

16 A. Not the navigation of the ship.
17 It could be the navigation of the ship or another
18 ship calling; but usually when we are called it is
19 agents.

20 Q. And the pilots have complained
21 about this?

22 A. Yes.

23 Q. In other words, the pilots would
24 like this procedure to be curtailed?

25 A. Terminated.

26 Q. Well, we will note your complaint,
27 Captain, and see what can be done about it.

28 When you are called like that
29 to handle the telephone I take it that you are in
30 your room and perhaps asleep and this disturbs you?



1 English

2 A. Correct. Of course, it could
3 happen while you were on the bridge that they would
4 ask us to use the phone. But what we are complaining
5 about is when we are turned in maybe an hour or so after
6 you go down to sleep and they come and tap on the
7 door and say that there is somebody on the telephone.

8 Q. You wouldn't complain if you were
9 called on the bridge during the trip through Lake
10 Michigan or Lake Huron because the Master might need
11 your advice for some reason or another?

12 A. No; that is what we are there
13 for.

14 Q. Have you made many trips through
15 Lake Michigan and Lake Huron last year as an
16 inter-lake pilot?

17 A. No; I made none last year.

18 Q. In 1962 did you make some trips?

19 A. Yes.

20 Q. Will you give us an idea of
21 approximately how many trans-lake trips you had to
22 make in 1962 -- very roughly?

23 A. Well, three or four.

24 Q. Were those trips to Chicago mainly?

25 A. Yes, Chicago.

26 Q. Or ports in Lake Michigan?

27 A. In Lake Michigan, yes.

28 Q. Leaving aside the times you might
29 be called for the radio-telephone because of pilot
30 messages, how many times are you called in by the



1 English

2 Captain on the average on a trip like that?

3 A. I couldn't tell you. Quite often
4 it is not the Masters; it is the officer-on-watch.
5 I really couldn't tell you how often.

6 Q. Now, Captain, I notice in the
7 statistics which you have given us there has been
8 quite a sensible reduction in your hours of work in
9 1963 compared with 1962. Would the reason be that in
10 1963 you did not do any trans-lake work? Would that
11 be the main reason?

12 A. That is one of the reason, yes.

13 Q. Personally, are you in favour
14 of doing trips outside your District -- and by that
15 I mean either above Port Huron or below Port Weller?

16 A. No.

17 Q. You are not?

18 A. No. Personally all I want to do
19 is to go from Port Weller to Sarnia.

20 Q. That is within the limits of your
21 real District, if I may use that expression?

22 A. Yes.

23 Q. Is that the general consensus
24 of opinion of pilots in your district -- and I am
25 speaking of the Canadian pilots?

26 A. I would think so, yes.

27 Q. In other words, you don't consider
28 it to the advantage of your pilotage group to do these
29 trans-lake jobs?

30 A. For the simple reason that it



1 English

2 burdens us with too much work.

3 Q. In other words, you lose too
4 much time on these trips while you could be more
5 efficiently used in the waters for which you have
6 special skill and experience? Is that putting it
7 fairly?

8 A. Well, I think pilots have as
9 much skill out in the lake as they have here.

10 Q. But they don't use that skill
11 on the lake; is that right? You don't have narrow
12 passages and you don't have ship handling to do?

13 A. No; but the pilots are just as
14 capable of handling the ship on the lake as they
15 are in the Canal.

16 Q. I agree. But let us take the
17 trip through Lake Michigan. Starting from the place
18 you have marked with the letter "A", where you say
19 you go off duty, how many changes of course are
20 there to be made until you reach the point where you
21 are called again just some miles off Chicago?

22 A. If you were the only ship on the
23 lake there would be one course change.

24 Q. However, you have ships to meet
25 occasionally?

26 A. Yes; and all the cross-traffic
27 on Lake Michigan.

28 Q. From you own knowledge of the
29 abilities of the officers and Masters of ocean
30 ships, do you consider them qualified to lay that course



1 English

2 and to meet other ships?

3 A. Oh, I can't answer that question,
4 because some are and some aren't. I can't say Yes
5 or No.

6 Q. Do you mean that a Captain who
7 has travelled all over the world would suddenly
8 lose his ability to meet other ships in Lake Michigan?

9 A. The rules on the Great Lakes
10 are different from the rules in international waters.

11 Q. You have told us that to get
12 your Master's ticket you had to learn the international
13 rules of the road. Did you sweat very much over them
14 to learn them?

15 A. Well, I don't know about sweating.
16 I would say I worried about them to a certain extent.

17 Q. Do you think that the Master of
18 a ship that has learned the international rules of
19 the road can learn lake rules of the road without
20 too much difficulty?

21 A. It is not only a matter of learning
22 the rules, but if a man had been doing something for
23 20 or 30 years and he has had just a few days to
24 memorize a certain number of words, in actual practice
25 when a situation arises it is natural that he is going
26 to go back to something -- automatically he is going
27 to go back to something which he has been doing for
28 years and years instead of doing what he has just
29 learned.

30 Q. However, so far as you are concerned,



1 English

2 you would feel capable to proceed down to the
3 Carribbean through the Atlantic with your certificates
4 without going back to learn the rules of the road on
5 the Atlantic?

6 A. I certainly wouldn't feel as much
7 at home, and it would take a lot more concentration
8 until I had got back into the swing of international
9 rules and regulations at sea.

10 Q. I have been wondering during
11 your evidence whether in your mind you were thinking
12 that ocean ships coming up the lakes should have
13 pilots all through the lakes, or not. Have I cause
14 for wondering?

15 A. Well, I don't know what you mean
16 -- have you cause to wonder?

17 Q. Is this what you have in mind to
18 suggest, that ocean ships should take pilots all
19 through their trips to the lakes?

20 A. Yes; for the utmost safety I
21 think that would be the ultimate goal.

22 Q. In other words, you would like
23 to revert to the days of the sailing masters?

24 A. No, not me.

25 Q. Isn't that what was being done
26 prior to 1958, that when ocean ships came into the
27 lakes they had a sailing master aboard to take them
28 all through the lakes?

29 A. I understand that was the case.
30 I have never been a sailing master and I had nothing



1 English

2 to do with pilotage at that time. I am not very
3 conversant with that; but I understand that was the
4 procedure.

5 Q. My question is then: Isn't that what
6 you want to see back on the lakes as the system on
7 the lakes?

8 A. No, I don't. I don't want any
9 part of them. Me personally -- I don't want any
10 part of sailing masters.

11 Q. When you do trans-lake work do
12 you call it piloting or navigating?

13 A. Well, it is piloting, I suppose.
14 It certainly entails more than navigating. It
15 entails, shall we say, a lot of local knowledge of
16 different systems -- different things that are
17 common to the lake -- that aren't common to other
18 places.

19 Q. In other words, when you lay a
20 single course from point A on Lake Michigan to a
21 point indicated by a circle, you consider it is
22 piloting; is that correct?

23 A. It is piloting, yes.

24 Q. What do you call taking the ship
25 through the Canal then?

26 A. Well, it is mostly ship-handling
27 then.

28 Q. How would you define, in your
29 own words, a "pilot", then, Captain?

30 A. A pilot is a man who gives advice



1 English

2 to a Master of a ship.

3 Q. And what do you do in the Canal --
4 just advise the Master?

5 A. No; I said we were ship-handlers
6 then.

7 Q. So in the Canal you don't advise
8 the Captain; you handle the ship?

9 A. That is correct.

10 Q. And that is not piloting, in your
11 own view.

12 A. It is part of piloting in the
13 District, yes.

14 MR. LALONDE: Don't you advise
15 the Captain to take over if he wants to in the Canal?

16 THE WITNESS: Yes, that has
17 happened too.

18 MR. BRISSET: Q. Do they?

19 A. No.

20 Q. Not even the Commonwealth lake
21 vessels?

22 A. I was speaking of foreign ships.

23 Q. You have been speaking, Captain,
24 of language difficulties and I want to go back to that
25 for a minute. Let us assume that you are in the Canal
26 -- ship-handling as you call it -- on board a foreign
27 ship with other than a British crew. In what
28 language would you give your orders?

29 A. In English.

30 Q. Do all pilots do that?



1 English

2 A. I couldn't say; I am sure some
3 of them do but I couldn't answer that because I am
4 never aboard a ship with another pilot.

5 Q. You haven't heard of the story
6 of a pilot in this District giving his orders in
7 Greek to a crew of a Greek ship?

8 A. No, I never did.

9 Q. That hasn't been told among
10 pilots?

11 A. No.

12 Q. All right. You give your orders
13 in English. Let us say that you want to approach
14 a lock wall in the Canal. Would you give us an
15 illustration of the orders you might give?

16 A. I don't just understand your
17 question.

18 Q. What I mean is that I would like
19 you to use your own words.

20 Suppose I am the wheelsman of
21 a ship and you want to make the approach to the lock
22 wall -- say, a lock wall on your starboard side.
23 What type of order would you likely be giving to
24 me?

25 A. I have no idea. You will have
26 to give me an awful lot more information than that.
27 You will have to let me know what is going on.

28 Q. Will you at times order the wheel
29 to port and at times to starboard?

30 A. That is correct.



1 English

2 Q. Suppose you want to order the
3 wheel to starboard, what would you say?

4 A. "Starboard".

5 Q. Suppose you want to order the
6 wheel to port, what would you say?

7 A. "Port".

8 Q. And that would happen many times
9 during a trip, that you will say "Port" and "Star-
10 board"?

11 A. A great many.

12 Q. And these are the very words
13 you are going to use, "Port" and "Starboard"?

14 A. "Port" and "Starboard", yes.

15 Q. And you mean to say that some
16 of the wheelmen do not understand these words?

17 A. Yes.

18 COMMISSIONER SMITH: I would
19 like to ask you, Captain, if Mr. Brisset does not
20 mind the interruption ...

21 MR. BRISSET: Not at all.

22 COMMISSIONER SMITH: Do you think
23 it would be to the advantage of navigation in the
24 waters of the Great Lakes to change the rule from
25 "Port" and "Starboard" to "Right" and "Left"?

26 THE WITNESS: I personally cannot
27 see any difference. Of course to me "Port" and
28 "Starboard" is just as familiar as "Right" and "Left".
29 I can't, myself, see any reason why it should be
30 changed.



1 English

2 COMMISSIONER SMITH: You think it
3 would not minimize the confusion if there is any,
4 and apparently there is sometimes?

5 THE WITNESS: Well, I don't think
6 -- I think there is only one country in the world
7 that I am familiar with that does use "Right" and
8 "Left". All the other countries use --

9 COMMISSIONER SMITH: That is a
10 pretty big country too, Captain. All right, thank
11 you.

12 Q. When you say the wheelsman does
13 not understand you, is it the first time you say
14 "Port" that he does not know what you mean, or the
15 second time or third time?

16 A. Yes, and it might be the hundredth
17 time.

18 Q. Do you indicate with your hand
19 which side is starboard and which side is port when
20 you give your order?

21 A. Many times I am not in the
22 wheelhouse when I am giving orders.

23 Q. So you would shout "Port",
24 "Starboard" into the wheelhouse?

25 A. Or tell the officer-of-the-watch
26 who is usually between me and the helmsman.

27 Q. When you say "Port" and the officer
28 is there, he will repeat the word "Port" in his own
29 language to the wheelsman?

30 A. That is right, and also repeat



1 English

2 back to me in English what I have said.

3 Q. And that is where there is
4 complete confusion at times?

5 A. At times it can become quite
6 confused.

7 Q. Do you suggest a word that
8 would be less confusing than the word "Port", for
9 instance?

10 A. I would suggest rudder indicators
11 outside on the bridge so the pilot can see what is
12 being ...

13 Q. You have told us in the old days
14 some of the ocean ships that came up the lakes were
15 fitted with a rudder extension. Do you recall this?

16 A. That is right.

17 Q. You pointed out to us that lake
18 ships had a larger rudder actually than ocean ships
19 normally?

20 A. Yes.

21 Q. How far back do you go when you
22 tell us that in the old days the ocean ships were
23 fitted with extensions to their rudders?

24 A. Oh, I can't say how far back,
25 but I know that was the general practice, say, in
26 the 1930's and 1940's.

27 Q. Would you agree with me that it
28 was in the 30's? Say, between 1930 and 1940?

29 A. Yes.

30 Q. Would you also agree with me that



1 English

2 since these times ocean ships have greatly improved
3 their steering equipment?

4 A. Well, once again I can't say
5 because I have nothing to do with ocean ships. That
6 was just an observation I made when I was on lake
7 ships that these extensions had been put on the rudders.

8 Q. You would not be in a position
9 to deny or confirm that modern ships do handle much
10 more easily than the ships built in the 30's?

11 A. I couldn't say because I don't
12 know.

13 Q. You have never made a study
14 of improvements?

15 A. It is all hearsay on my part what
16 went on before 1960.

17 Q. At all events today it seems
18 ocean ships or those operating ocean ships have not
19 found it necessary to instal these rudder extensions?

20 A. They don't instal them, no.

21 Q. You don't see them any more?

22 A. No, I don't see them any more.

23 Q. You have also spoken, Captain,
24 of stern anchors. Have you ever had occasion to use
25 them since you are piloting, since 1960?

26 A. The only time that I have had
27 occasion to use them we didn't have them.

28 Q. I see. When you had them you
29 never had occasion to use them?

30 A. To use them.



1 English

2 Q. So you can't tell us too much
3 of your actual experience?

4 A. No. To get back to the steering
5 in the Welland Canal, if I might add a word there,
6 to overcome the difficulties in steering in the
7 close quarters of a place like the Welland Canal or
8 a dredged channel, if we had an helmsman it might
9 help; one that could understand our own language
10 and is used to steering ships in very confined
11 quarters. That would be a big improvement.

12 Q. In other words, you would not
13 have to give them orders? They would know what to
14 do?

15 A. No, no, not necessarily, but
16 when you gave an order you would be sure that the
17 man understood it and he would know.

18 THE CHAIRMAN: The ideal, of
19 course, would be like the Panama Canal with your
20 wheelsman, linesman aboard and ashore; complete
21 crew.

22 THE WITNESS: That would be the
23 ideal condition, sir, and then we could put our feet
24 up.

25 Q. Have you thought of the economics
26 of the situation too?

27 A. We were speaking of ideal conditions.

28 Q. Well, would the pilots be
29 willing to take the wheelsmen in their employ and pay
30 them out of their earnings?



1 English

2 A. If the tariffs are high enough,
3 yes.

4 Q. Let's be serious here, Captain.

5 MR. LALONDE: I think the witness
6 was quite serious, My Lord.

7 Q. You have told us about Detroit,
8 Captain. Let us assume that the vessel which you
9 are piloting will be detained in Detroit for one
10 reason or another. Would you report to the pilot
11 office either at Port Huron or at Port Weller?

12 A. At Port Huron.

13 Q. You would report at Port Huron?

14 A. Each morning.

15 Q. Would you report only the morning
16 after you arrived or immediately upon arrival when
17 you are told that the ship will be delayed?

18 A. I make it a practice of calling
19 about nine o'clock every morning in the office at
20 Port Huron.

21 Q. So if you arrive, say, the
22 previous evening you would call the following
23 morning?

24 A. Oh, unless -- I could call the
25 night before if it isn't after midnight. If it is
26 after midnight, I usually leave it until the next
27 morning.

28 Q. Now, let us suppose that the
29 delay will be such that you could get off the ship.
30 Where would you be sent, to what base? Would it be to



1 English

2 Port Huron or Port Weller?

3 A. If I was going back to the pilot
4 station?

5 Q. Yes.

6 A. I would go back to Port Huron.

7 Q. You would go back to Port Huron?

8 A. Yes.

9 Q. What are the means of communication
10 between Detroit and Port Huron?

11 A. Telephone.

12 Q. I mean to go, to travel?

13 A. You mean transportation?

14 Q. Yes, transportation.

15 A. I think there are two busses a day,
16 one at -- I don't know the times now. They change
17 them so often. There are two or three buses a day,
18 that is all.

19 Q. Have you done it in the past?

20 A. Yes.

21 Q. How long does it take from Detroit
22 to Port Huron by bus?

23 A. Approximately two hours.

24 Q. The distance would be roughly how
25 much?

26 A. 60, 70 miles.

27 Q. 60 miles?

28 A. 60 or 70 miles.

29 Q. Captain, to go back to the eastern
30 end of your District at Port Weller, you told us that



1 English
2 you joined the ship you were to pilot using the pilot
3 boat. Is there a buoy there that is called Port
4 Weller fairway buoy?

5 A. I think it is called Port Weller
6 reporting buoy from the Seaway.

7 Q. Is that where the ship that is
8 coming up, for instance, will anchor normally in that
9 vicinity?

10 A. No.

11 Q. If she has to anchor, of course?

12 A. No. This is anchorage west of
13 the entrance of Port Weller.

14 Q. How far from Port Weller is that
15 designated anchorage?

16 A. From the pierhead I would say it
17 was approximately a mile.

18 Q. That is where you would board
19 your vessel when she has to anchor?

20 A. That is right.

21 Q. And when she doesn't have to
22 anchor where would it be?

23 A. Some place between the reporting
24 buoy and the piers.

25 Q. In the vicinity of the anchorage
26 area?

27 A. No, it would be east of the
28 anchorage area.

29 Q. Further down than the anchorage
30 area?



1 English

2 A. Yes.

3 Q. Captain, I would like to refer you
4 now to your statistics contained in Exhibit 1042, and for
5 the purpose of my illustration I will take you back
6 to 1963. In the second column you have days worked?

7 A. Yes, sir.

8 Q. And am I correct in understanding
9 that you are listing there the days on which you might
10 have been called upon to work, whether it was a full
11 day or one hour?

12 A. Those days listed there -- I was
13 called to work on April 15th or April 16th. There
14 were 15 days in that month that I was on call.

15 Q. In other words, the last 15 days of
16 April were days that --

17 A. That I was on call.

18 Q. The days you were on call?

19 A. Yes.

20 Q. Does that mean on each of these
21 days you were actually either for the full day or
22 just for an hour at work?

23 A. No.

24 Q. It means simply the days --

25 A. That I was getting paid for.

26 Q. Now, let us take the second column,
27 or before I go to the second column, in that year
28 1963 you were paid during the three days a month that
29 you had off?
30



1 English

2 A. That is correct.

3 Q. So therefore the three days that
4 you had off per month are included in the days worked?

5 A. That is right.

6 Q. Let us take the second column
7 with the heading hours worked. Let us assume you have
8 one assignment that will take you from Lock 7 to Port
9 Huron on a through trip. Calculating the hours at
10 work, how would you do it? Would you start from the
11 time you board the vessel or you reported at the
12 station or you are waiting at Lock 7? Where do you
13 start, in other words?

14 A. When I board the vessel, unless
15 I have been called to Lock 7 and there has been a
16 breakdown in the canal or something and I have had
17 to sit on the lock for four or five hours waiting
18 for the ship to come. In the ordinary course of events
19 it is from the time I board the vessel at Lock 7
20 until I report in the pilot office at Port Huron
21 when I finish the consignment.

22 Q. When you report to Port Huron
23 office do you mean to say when you report by radio
24 telephone or in person?

25 A. After the pilot boat comes out and
26 takes me off the ship, and I am back in the office at
27 Port Huron.

28 Q. Now, going back to Lock 7 again --
29 I want to be quite sure of this -- you don't take
30 into account the time it might have taken you to reach



1 English

2 Lock 7, either from your home or from the station at
3 Port Weller?

4 A. No.

5 Q. So it is from when you are at
6 the lock, if you have to wait, or if you don't have
7 to wait, from the time you are on board ship?

8 A. Yes.

9 Q. And the same system has been
10 followed in computing these statistics for all the
11 other trips you might have been doing?

12 A. That is right.

13 Q. Let us say, for instance, to give
14 an illustration, that you are called upon to proceed
15 to Cleveland as the terminus of an upbound voyage
16 from Lock 7, and let us assume that in Cleveland
17 you have to sit there during discharge for five or
18 six hours, and then the ship goes back towards the
19 Welland Canal. Would you leave the ship in Cleveland
20 or will you stay on and proceed on the ship to go
21 through the Welland Canal again?

22 I am trying to find out where
23 you get off the ship in a circumstance of this kind.

24 A. Well, if the ship is not going to
25 be in Cleveland for too long a time, why, it is
26 customary that we stay with the ship in Cleveland
27 and take her out of Cleveland.

28 Q. Wherever she goes?

29 A. Yes.

30 Q. In your hours worked do you



1 English

2 include the time you are on board the ship in port?

3 A. Yes.

4 Q. In circumstances of this kind?

5 A. Yes.

6 Q. Now, you have told us in 1963
7 you did not do any trans-lake work but you did such
8 work in 1962?

9 A. Yes.

10 Q. In calculating your hours worked,
11 say on a trans-lake trip to Chicago from Port Weller
12 this time because in 1962 the Canal was not divided,
13 how would you proceed? Would you start counting your
14 time from the moment you got on the pilot boat to
15 board the vessel?

16 A. Until I got into the pilot boat
17 getting off the vessel.

18 Q. At the other end, say, Chicago,
19 if you left her there?

20 A. Yes, or on to the wharf in Chicago,
21 yes.

22 Q. If the vessel happened to be
23 discharging in Chicago but was not delayed too long,
24 would you take this ship back through Lake Michigan
25 again?

26 A. Of course that is entirely up to
27 the Master or the agent.

28 Q. Yes, but has that happened?

29 A. That has happened, yes. It happens
30 quite regularly.



1 English

2 Q. So on a trip like this in the
3 hours worked you will calculate all hours from the
4 time you boarded the vessel or the pilot boat at Port
5 Weller until you were back at Port Weller?

6 A. That is right.

7 Q. At times that could be a two-week
8 trip, could it not?

9 A. Yes -- three weeks.

10 Q. Three weeks? You even had three-
11 week trips of this kind?

12 A. Yes, it could happen -- not very
13 often it does, but it could.

14 Q. That mounted your work load, did
15 it not?

16 A. It must be necessary because the
17 steamship companies are willing to pay for it.

18 MR. LALONDE: I understand that
19 you had no such trip in 1963?

20 THE WITNESS: No, I had no such
21 trip in 1963.

22 MR. LALONDE: And in 1962 did you
23 have a trip which lasted three weeks?

24 THE WITNESS: No, no.

25 MR. LALONDE: How long was your
26 longest trip?

27 THE WITNESS: I could not say. I
28 have not got the figures and I have not got them at
29 home.

30 MR. LALONDE: Is it far more than



1 English

2 one week, as far as you can remember, on one trip?

3 THE WITNESS: No, I do not think
4 I was away more than a week at any time in 1962,
5 not on one ship.

6 MR. BRISSET: Q. Are you a member
7 of the Corporation of Great Lakes Pilots, Captain?

8 A. Yes.

9 Q. There was one question that was
10 asked from Captain Watson and perhaps you could
11 answer the same question; you are personally concerned.
12 The question is, are you happy with your lot, Captain,
13 since you are a pilot instead of a Master?

14 A. No, not under the present conditions,
15 no.

16 Q. You are not?

17 A. No.

18 Q. Were you happier as a Master on
19 lake ships?

20 A. Well, I certainly thought I was
21 going to better myself when I saw that ad that said
22 "From Port Weller to Sarnia", but that is long gone.
23 That is what I want to get it back to.

24 Q. Is that your main course of
25 complaint, that you have to get out of your District
26 now?

27 A. And the work load it causes.

28 Q. If that could be remedied, then
29 would you say that you would be happy with your lot?

30 A. That is a hard question to answer.



1 English

2 No, I could not answer that question.

3 COMMISSIONER SMITH: If Your
4 Lordship pleases, I would like to ask the witness
5 a couple of questions.

6 Captain, I am prompted to ask
7 this question by the reply you gave to Mr. Brisset,
8 which I understood that you thought it would be in
9 the interest of safety to have pilots on not only
10 the restricted and the confined but also on the open
11 waters. Is that correct?

12 THE WITNESS: That is correct.

13 COMMISSIONER SMITH: Several
14 times questions have been asked and answers have been
15 given before this Commission as to what are the
16 fundamentals, the primary purpose of pilotage. One
17 has been safety, another has been convenience and
18 another one has been the facilities -- to improve the
19 facilities for the movement of the ship. My question
20 is this: What, in your opinion, is the primary purpose
21 for pilotage in the waters that you are most familiar
22 with?

23 THE WITNESS: Safety.

24 COMMISSIONER SMITH: Safety?

25 THE WITNESS: Yes.

26 COMMISSIONER SMITH: Safety ahead
27 of convenience and safety ahead of facilitating the
28 movement of the ship?

29 THE WITNESS: That is correct.

30 COMMISSIONER SMITH: Thank you.



English

CROSS-EXAMINATION BY MR. JACQUES:

Q. If you wish, Captain, we shall return to Port Weller. There has been a pilot boat service here in Port Weller since 1959. Have you had occasion to use that service?

A. Since 1960.

Q. Since 1960. Have you found it satisfactory?

A. Yes, it is satisfactory.

Q. When you board ships, either deep sea ships or Commonwealth ships, Commonwealth lakers, how do you board a ship? What kind of ladder have you got to board a ship?

A. Sometimes it is what is known as a Jacob's ladder and other times we have the accommodation ladder.

Q. Which do you prefer?

A. The accommodation ladder.

Q. The accommodation ladder -- why?

A. It is much easier.

Q. Is it easier when the sea is rough?

A. Well, we use a combination of the Jacob's ladder and the accommodation ladder.

Q. Captain Watson has told us that I believe in 1962, during parts of the season at any rate, he had set up a system of harbour pilots. That is, a pilot taking ships from anchorage at Port Weller or from the station to the tie-up wall. Are you aware of that?



1 English

2 A. Yes, sir.

3 Q. Did you act as a harbour pilot?

4 A. No, I never acted as a harbour
5 pilot.

6 Q. So you are the one ---

7 A. One of the ones.

8 Q. Pardon?

9 A. I have never acted as a harbour
10 pilot.

11 Q. So you boarded your ship at the
12 tie-up wall?

13 A. Wall.

14 Q. Have you ever received comments
15 of Masters of foreign-going ships on that system?

16 A. Of the harbour pilot?

17 Q. Yes.

18 A. Specially the Masters on the line
19 ships; they come up here all the time. They thought
20 that was a great step forward. They cannot understand
21 why we put in such long hours anyway as pilots, but
22 they think that that is a vast improvement.

23 Q. They were in favour of that system?

24 A. That is correct.

25 Q. As far as you are concerned since
26 you were not a harbour pilot so you were a canal
27 pilot at that time, did that improve your lot?

28 A. It shortened our trip in the
29 Welland Canal.

30 Q. By how many hours, roughly?



1 English

2 A. In peak periods, why, it would
3 shorten the trip five or six hours.

4 Q. That much?

5 A. Yes.

6 Q. According to your opinion as a
7 professional seaman and a man used to Great Lakes
8 procedure, do you think that the ships tied up at
9 the tie-up wall, after being taken in by a harbour
10 pilot and waiting for the canal pilot, do you think
11 that these ships were in danger?

12 A. No, not particularly, I would not
13 say. Under ordinary weather conditions it is safe
14 enough.

15 Q. It is safe enough?

16 A. Yes.

17 Q. When you had occasion to board
18 ships which had moved along the tie-up wall without
19 a pilot, in what condition did you find the mooring
20 of these ships?

21 A. The ships were usually moored all
22 right. There was always one unhappy Master.

23 Q. Could be, but did you find that
24 the ship was in a dangerous position?

25 A. No; the ship was securely moored.

26 Q. I take it there was no question
27 that the Master was not able to moor the ship along
28 the tie-up wall on his own?

29 A. Well, evidently not. The ship
30 was securely moored anyway.



1 English

2 Q. With respect to communications,
3 when you are on the bridge doing your work do you
4 handle the radio-telephone?

5 A. Yes.

6 Q. You do?

7 A. In the Canal.

8 Q. In the Canal or Lake Erie or, say,
9 the approaches to Southeast Shoal or Pelee Point?

10 A. Oh, yes.

11 Q. You do?

12 A. Yes.

13 Q. In all cases you handle the
14 radio-telephone?

15 A. Yes. I should not say in all
16 cases now, but in the majority. It is an ordinary
17 practice. I use the telephone myself.

18 Q. If the ship has a special operator
19 -- you mentioned a Japanese ship on which you served
20 as a pilot which had a special radio operator --
21 when you are in the Canal or when you are in the
22 approaches making a land call, is the operator available
23 on the bridge to handle the radio-telephone?

24 A. If you require him he is available.

25 Q. Have you ever had occasion to
26 require him to be there?

27 A. No, I do not think so.

28 Q. You told us that up until some
29 time ago you were in radio communication with the
30 lock master; is that correct?



1 English

2 A. No.

3 Q. You had no radio communication
4 with someone on the lock?

5 A. No. The only communication we
6 have with anybody by radio is the dispatcher at the
7 guard gate.

8 Q. But some time ago you did not
9 have direct communication with the lock master? I
10 believe this was said in evidence; I may be mistaken.

11 THE CHAIRMAN: The lock master
12 was giving information as to where to proceed --
13 whether to proceed into the lock.

14 THE WITNESS: That was by voice.

15 MR. JACQUES: By voice; I am
16 sorry. There is no communication between the bridge
17 keeper and the pilot, is there?

18 A. No.

19 Q. Except this light which flashes?

20 A. Just the light.

21 Q. Do you think that there is a
22 need for communication between the bridge keeper and
23 the pilot?

24 A. Oh, no. I think that would be
25 too confusing altogether.

26 Q. You have mentioned that when you
27 were alongside the tie-up wall waiting for your turn
28 to enter the lock you briefed the crew on procedure
29 to be followed when the ship moves into and out of the
30 lock; is that right?



1 English

2 A. I did not mean to imply that I
3 briefed the crew, but I talked to the officers or
4 the Master or the officer on the bridge.

5 Q. I see. How long did that usually
6 take you?

7 A. Well, it usually depends on how
8 long you are there -- maybe ten minutes, fifteen minutes.

9 Q. So your conversation or your
10 instructions to the officers would depend on how long
11 you would be at the tie-up wall?

12 A. Yes. Of course, as you said before,
13 they have come up the Seaway. There is only a few
14 odd things in the Welland Canal that are different
15 from the Lower Seaway.

16 Q. Do you do that with all ships?

17 A. Not with the ships that are
18 trading up here all the time, the regular ships.

19 Q. When you are waiting for your turn
20 to enter a lock at the first tie-up wall you have
21 given your briefing and I imagine for the rest of
22 the trip you do not have instructions to give at each
23 lock to the officers?

24 A. Oh, yes, you do. There is
25 different things happen and there is different
26 conditions at pretty near every lock.

27 Q. What sort of instructions do you
28 give?

29 A. Well, it all depends on what you
30 want to convey, whether it is "watch the current here",



1 English

2 or "Make sure that there is a ship coming out of
3 the lock; make sure when he goes by that you are
4 well moored."

5 Q. Is that not something which all
6 experienced seamen would know, that when you are
7 tied up alongside a lock or a dock or a tie-up wall,
8 if a ship goes by there is a surge or a suction?

9 A. Well, all seamen may know it but
10 they certainly do not practice.....

11 Q. What they know?

12 A. What they know at times. We find
13 it necessary too at times that although the Seaway
14 says that four lines are all that is required -- and
15 that is all that probably would be required if they
16 were on proper mooring winches -- but sometimes when
17 the wind is blowing and a large ship is coming out
18 of the lock it is necessary to put out a manila line
19 fore and aft in order to keep her to the tie-up
20 wall.

21 Q. As regards the line, would the
22 Master of the ship ask you sometimes whether he should
23 put out more lines than required?

24 A. Yes.

25 Q. Sometimes do you tell him to put
26 out more lines than are required?

27 A. Yes, more lines.

28 Q. Have you found that the handling
29 of the lines, apart from the equipment mind you, is
30 done in a seaman-like fashion?



1 English

2 A. Yes.

3 Q. Have you found that the officers
4 and crews of these ships are good seamen?

5 A. Yes.

6 Q. From your point of view as a lake
7 man?

8 A. They are good seamen, I suppose. I
9 mean, I do not have very much to do as far as their
10 ability as seamen is concerned. My biggest concern
11 with the crew is handling wires or cables. Of course,
12 their ability as seamen varies with as many ships
13 you have, I suppose.

14 Q. When you were Master of lake
15 ships you always used a landing boom, did you not?

16 A. That is correct.

17 Q. Has there ever been any accident
18 to the man who was using the landing boom?

19 A. Oh, yes.

20 Q. Would you tell us about that,
21 please, if you recall these accidents?

22 A. I could not recall the details of
23 them now, but I know there have been accidents on
24 landing booms on lake boats.

25 Q. Could you recall the nature? Was
26 a man injured?

27 A. There has been men drowned off these
28 landing booms.

29 Q. We have heard of one similar case,
30 but would you recall any of your own experiences -- say



1 English

2 a man broke a leg, broke an arm?

3 A. I cannot remember any detail, any
4 special detailed case, no.

5 Q. What was that?

6 A. I cannot remember any special
7 case where.....

8 -

18 -

26 -



1 English

2 Q. Now, as regards your work on the lake,
3 are there any major differences in navigating one lake
4 rather than another? Is it the same skill you apply,
5 or do you have to have a different skill?

6 A. No, the same set of rules applies
7 to the whole inland waters on the Great Lakes.

8 Q. And you apply the same principles of
9 navigation and pilotage throughout the lakes?

10 A. Throughout the Great Lakes.

11 Q. When you were a master of lake vessels
12 did you have occasion to go down the Gulf of St.
13 Lawrence?

14 A. Yes, I traded down the Gulf of St.
15 Lawrence.

16 Q. And how far down did you go?

17 A. Seven Islands.

18 Q. Would you say that the principles of
19 navigation were different in the Gulf then they were
20 in the lakes?

21 A. Yes.

22 Q. In what respect?

23 A. Fog signals.

24 Q. Yes?

25 A. Meeting signals. Everybody down
26 there wants to pass port to port. Up here we are not
27 just so fussy. We will pass port-to-port or starboard
28 to-starboard.

29 Q. Apart from that have you noticed any
30 difference in making a landfall?



1 English

2 A. Well, nothing except the tide; you
3 have tides in the Gulf and you have no tides up here.

4 Q. Basically is it the same skill which
5 is involved in making a landfall in the Gulf and making
6 a landfall in the Great Lakes?

7 A. Yes, I would say so.

8 Q. Would you turn to the Lake Erie Chart,
9 please... For the moment we will be satisfied with
10 the Lake Huron Chart.

11 I think mentioned that you were called to
12 the bridge twice when you went through Lake Huron?

13 A. Yes.

14 Q. And these two places are indicated with
15 green circles; is that correct?

16 A. Yes, that is correct.

17 Q The first one at Harbour Beach?

18 A. Yes.

19 Q How many miles off land would that be,
20 at that particular point?

21 A. Between 4 and 5 miles.

22 Q. Between 4 and 5 miles from the land at
23 Harbour Beach?

24 A. Yes.

25 Q. Would you consider that this is a
26 dangerous distance to be off shore?

27 A. No.

28 Q. Would you, from your experience, in the
29 Gulf -- would you say that this is even a good distance
30 to be off shore?



1 English

2 A. Where?

3 Q. A good distance to be off shore?

4 A. For that particular place, yes.

5 Q. In your trading in the Gulf have you
6 been able to notice the distance off shore which
7 vessels usually keep?

8 A. In the Gulf?

9 Q. In the Gulf?

10 A In the Gulf of St. Lawrence?

11 Q. Yes?

12 A. They are usually further off shore
13 than that.

14 Q. Have you ever been down the Gaspé coast?

15 A. Yes.

16 Q. And vessels which come up river --
17 how far ordinarily are they off shore?

18 A. It all depends on the vessel. I
19 couldn't say.

20 Q. And would you consider that distance
21 off Harbour Beach unusual?

22 A. What do you mean by "unusual"?

23 Q. Well, something which a seaman might
24 do once in a life time? --

25 MR. LALONDE: Is my friend making the
26 comparison with the Gaspé coast when he says once in
27 a life time?

28 MR. JACQUES: No; in general.

29 Q. And the distance off Thuder Bay would
30



1 English

2 be how many miles?

3 A. Between 4 and 5 miles.

4 Q. This is a reasonable distance to be off
5 shore.

6 Do you now think a deep sea navigator who
7 has had some years of experience as a master -- because
8 you know they have to go to sea for so many years before
9 obtaining their master's certificate -- do you think
10 he is competent to round these two points.

11 A. So far as rounding the two points,
12 absolutely.

13 Q. Strictly from a navigation point of view?

14 A. Yes.

15 Q. You think so.

16 Q. When you were a master did you use or
17 employ sailing masters or pilots sometimes?

18 A. No; pilots in the lower St. Lawrence.

19 Q. But never on the Great Lakes?

20 A. No.

21 Q. Was there such a thing as a pilot on
22 the Great Lakes?

23 A. There have always been men as pilots on
24 the Great Lakes.

25 Q. And you never used the services of
26 a pilot?

27 A. No.

28 Q. Now, you said that there were eighteen
29 ports in Lake Erie where you were called upon to go,
30 ten in Huron, nine in Lake Ontario and fourteen in



1 English Michigan

2 Michigan? That is a total of fifty one.

3 A. 51 ports.

4 Q. Last year you said you did not go outside
5 the Port Weller-Sarnia district?

6 A. That is right.

7 Q. So that you didn't go into Lake Huron
8 or Lake Ontario or Lake Michigan?

9 A. That is right.

10 Q. Did you call at any of the eighteen ports
11 of Lake Erie?

12 A. Yes.

13 Q. You did?

14 A. Yes.

15 Q. At which ports did you call?

16 A. Erie, Ashtabula, Cleveland, Toledo.

17 Those are the only ones I am sure of.

18 Q. We will get the chart.

19 A. It is not the ports; it is just that
20 I don't remember.

21 Q. I believe you have named four places?

22 A. I was in Fairport, too, last year, I
23 think. These are the only ones which right offhand now
24 I am sure of.

25 Q. That is five out of eighteen last year --
26 1963?

27 A. Yes.

28 Q. And in 1962 which ports out of these
29 fifty one -- because in 1952 you did Lake trips --
30 which of these fifty one ports did you visit?



1 English

2 A. Oh, I can't tell you exactly. I am sure
3 that I was at Buffalo and Erie and Cleveland and Detroit
4 and Toledo.

5 Q. Let us take Toronto. Were you in
6 Toronto in 1962?

7 A. I wouldn't like to say; I couldn't say for
8 sure.

9 Q. In 1961 were you in Toronto?

10 A. I am less liable to remember that.

11 Q. At any rate, you were not in Toronto
12 last year?

13 A. That is correct.

14 Q. Last season?

15 A. That is correct. -- not by ship.

16 Q. Would you say that you are still
17 familiar enough with all these ports to be able to take
18 ships in and out even although you may not have been
19 in some of them for at any rate a year at least?

20 A. Well, we have notices to mariners.
21 I should say that during the seven weeks of detention
22 at Detroit we read the notices to mariners!

23 Q. Do you think it is possible to keep
24 up one's knowledge of a port through notices to mariners,
25 consulting charts and consulting sailing directions
26 and what not?

27 A. To be familiar absolutely with the port?

28 Q. As familiar as you would be if you were
29 to go to Toronto, say, next season after having been
30 absent for one season?



1 English

2 A. Oh, absolutely, yes. A man that is
3 there all the time would certainly know more about it
4 than we would by reading the notices to mariners.

5 Q. Yes; I realize that, but...

6 A. I am sorry; I thought that was the
7 question.

8 Q. Do you think that you would be familiar
9 enough, through reading notices to mariners and what
10 not, to take a ship into Toronto, say, next season,
11 not having been there for a year?

12 A. Yes; because I have been into Toronto
13 many times during the last 20 years. It is not a strange
14 place for me. Any change that has taken place in the
15 harbour would be just in the colour of a buoy or the
16 channel markings or something; it wouldn't be major.

17 Q. Then, am I right in assuming that it is
18 possible to take a ship into a harbour with safety
19 although one doesn't go there regularly every month?

20 A. As long as he has been perfectly
21 familiar with the port before.

22 Q. Yes, indeed; and as long as he keeps
23 up his knowledge through notices to mariners?

24 A. Yes.

25 Q. I see that you prepared some notes for
26 your evidence. They are your own notes, are they not?

27 A. They were just mostly statistics that
28 I took out of the 'Great Lakes Pilot'.

29 Q. In the course of your employment have
30 you had occasion to consider the sailing directions put



1 English

2 out by the Department of Transport and by the United
3 States Corps of Engineers?

4 A. Yes.

5 Q. Would it be ~~prudent~~ to rely on the
6 information which is supplied in those books?

7 A. If nothing else was available you
8 would have to.

9 Q. Do you use those books in the course
10 of your job?

11 A. No, no.

12 Q. Is it because you are familiar enough
13 with the area?

14 A. I think I am familiar enough with the
15 area without them.

16 Q. And if you were to go to one of those
17 51 ports and, let us say, you had not visited that port
18 for the past three years -- is that possible...?

19 A. I would get the books out.

20 Q. You would consult the books?

21 A. Yes.

22 THE CHAIRMAN: While you are on this
23 subject, there exist some ports where daily local
24 knowledge is necessary where in other ports it is not
25 necessary; for instance, the port of St. John, New
26 Brunswick. There you have the daily hazards which
27 vary with the wind and the flow of the river St. John
28 and the level of the river and the ~~time~~ and all the
29 various factors that they have to be up to date on;
30



1 English

2 and it is a tidal port; and maybe there is a period of
3 only one hour during the day where you could bring a
4 ship in. I don't suppose in all those fifty one ports
5 you have here in the lakes that any such adverse
6 conditions exist?

7 THE WITNESS: If there is any great adverse
8 condition which exists in any of these ports that I have
9 listed, even if it had happened within the last two or
10 three hours and it was a very serious obstruction to the
11 port it would be relayed by radio telephone and broadcast
12 to all shipping.

13 THE CHAIRMAN: I was wondering whether a fair
14 local knowledge of these harbours -- these ports --
15 plus the quality of a good ship-handler wouldn't be
16 the qualification for the Great Lakes ports; whereas, for
17 instance, somebody who would have been for two or three
18 years in the port of St. John -- would you think he would
19 qualify by looking at the last notice to mariners...

20 THE WITNESS: No. That probably is a
21 different thing altogether.

22 THE CHAIRMAN: It would be extreme -- the
23 illustration I am giving -- but I am trying to find out
24 what the difference would be.

25 MR. JACQUES: Have you been in St. John, New
26 Brunswick.

27 A. No.

28 Q. You have not?

29 A. No.

30 THE CHAIRMAN: We will adjourn for 10 minutes.



1 English

2 Q. Now, Captain, ~~one~~ last question on the
3 subject which we were discussing before the adjournment.
4 Would you consider that the lake master calling in
5 Toronto regularly -- I would say once a month or perhaps
6 once every two months -- would be more familiar with
7 the harbour than you are at the moment?

8 A. Yes.

9 Q. Would you consider that he would be
10 better able or better equipped to take a ship into
11 Toronto harbour than you are?

12 A. I cannot answer that question.

13 Q. But he would have more local knowledge
14 than you have?

15 A. Maybe he would have more knowledge of
16 immediate changes. I have seen immediate changes
17 where I had only read about them. I receive these
18 notices to mariners both here at the pilot office and
19 at my home. I have them sent direct to my home and
20 try and keep up with them that way.

21 Q. But for an experienced master mariner
22 like you reading about these changes, reading the
23 notices to mariners would be sufficient to enable you
24 to take the ship in safely?

25 A. Yes, I think so, because I have been
26 thoroughly familiar with the harbour before and unless
27 they changed the ~~whole~~ thing around and filled in the
28 old channels and dug new channels or something, changed
29 the whole harbour, why, then it would be difficult, but
30 just the changing of a buoy or something or the colour



1 English

2 of a buoy or something, why, I feel that I would be
3 capable.

4 Q. Or the installation of a new light or
5 a new fog signal?

6 A. Well, of course, if you read about
7 that and looked on the chart and marked it on the chart
8 where the old one was and where the new one was to be,
9 there would not be too much difference at all.

10 Q. In the Great Lakes basin there is no
11 tide?

12 A. No, not at all.

13 Q. You have also pointed out various places
14 where there is some current and you have indicated
15 the direction of the current. Are these directions
16 liable to sudden unpredictable changes?

17 A. Yes.

18 Q. They are?

19 A. At some places the current is constant.
20 At some places it is governed by the rainfall on an
21 upper river. In some cases it is affected by wind
22 or barometric pressure.

23 Q. It is not constant in the same direction
24 all the time?

25 A. Not always, no, not in all the harbours.

26 THE CHAIRMAN: With regard to the charts,
27 do you provide your own charts when you know you are
28 going to a port in Lake Michigan or Lake Huron? Do
29 you take with you your own charts or do you rely on the
30 charts of the ship?



1 English

2 THE WITNESS: I rely on the charts of the
3 ship.

4 THE CHAIRMAN: Are they well provided with
5 a good set of charts?

6 THE WITNESS: Most ships are. Once in
7 a while you will find a ship that is up here without
8 the proper charts, but they are greatly in the minority.

9 MR. JACQUES: Q. As regards language
10 barriers, you said that the man on the wheel might
11 not understand English. I believe that in reply to
12 Mr. Brisset's question you said that this was not
13 necessarily at the first occasion you spoke to him;
14 is that correct?

15 A. Would you just repeat that?

16 Q. You said he might make a mistake not
17 the first time you give the particular wheelsman an
18 order but he might make the mistake after you have given
19 a series of orders?

20 A. That is correct. Of course, that is
21 the human element. Anybody is liable to make a mistake
22 on an order.

23 THE CHAIRMAN: Even if it is in his own
24 language?

25 THE WITNESS: Even if it is in his own
26 language. He could ---

27 MR. JACQUES: Now, Captain ---

28 MR. LALONDE: The witness had started
29 saying something. Could he finish his sentence, please?

30 THE WITNESS: He could accept your orders



1 English

2 for maybe 6 or 7 hours. Maybe the reason is that he
3 has been up there for 6 or 7 hours and is getting tired.
4 You say something and instead of being alert and
5 translating it into his own language properly, he makes
6 a mistake.

7 MR. JACQUES: Q. Is it always the case
8 that the mate on watch translates your orders?

9 A. No, not necessarily.

10 Q. Not necessarily? Have you had any
11 accidents caused by this language barrier?

12 A. Indirectly, yes.

13 Q. Could you tell us about that?

14 A. Well, on one ship I told them to put
15 the wheel hard to starboard. The master was on the
16 bridge and he spoke in his own language to the helmsman.
17 I was busy looking in the radar. I heard the master
18 say something to the helmsman. I was busy looking in
19 the radar and when I looked up at the rudder indicator
20 maybe a half a minute later the captain, the master,
21 had countermanded my order and the wheel was back to
22 almost midships.

23 COMMISSIONER SMITH: Had you given any
24 signal besides your order?

25 THE WITNESS: It was at night, sir.

26 MR. JACQUES: Q. Yet at night one sees
27 a little in the wheelhouse, doesn't one?

28 A. Very little.

29 Q. Do you know if this mistake happened
30 because the wheelsman could not understand English?



1 English

2 THE WITNESS: I did not say that. I
3 said that was the language barrier. If the master
4 had spoken in English when he countermanded my order I
5 would have known right away.

6 Q. What language did that crew speak?

7 A. German.

8 Q. You said the master countermanded your
9 order?

10 A. That is right. I will not say he
11 countermanded my order, but let us say he questioned my
12 judgment on using that much rudder. He thought he
13 knew better than I did.

14 Q. It is not a case of the man understanding
15 what you are saying; it is a case of the man not
16 agreeing with what you are doing?

17 A. Yes, but he did not say anything to me.
18 You asked about the language barrier.

19 THE CHAIRMAN: It was a question of the
20 pilot not understanding what the captain was saying,
21 otherwise he would have heard his remarks.

22 THE WITNESS: I was busy with my eyes.

23 MR. JACQUES: Q. When this incident
24 happened had you just boarded the ship?

25 A. No, I was aboard the ship for six
26 or seven hours.

27 Q. Was the master on the bridge during
28 that 6 or 7 hours?

29 A. I could not say; I do not remember.

30 Q. You do not recall seeing the master or



1 English

2 talking to¹the master prior to this incident?

3 A. He had been on the bridge part of the
4 time, I am sure of that, but I would not say he had
5 been on the bridge the whole way.

6 Q. Had you had occasion to speak to him
7 before that?

8 A. Oh, yes.

9 Q. Did you speak English?

10 A. Yes.

11 Q. Did he understand what you said?

12 A. Perfectly.

13 Q. You said that for safety's sake foreign-
14 going ships trading on the lakes should have a pilot
15 on board at all times; is that correct?

16 A. That is my personal belief, that it
17 would be much better.

18 Q. If I understood your evidence, the
19 basis for this requirement is primarily the difference
20 between the Great Lakes Rules of the Road and the
21 International Rules of the Road; is that correct?

22 A. And local customs.

23 Q. Such as what for instance?

24 A. Well, for many years there are things,
25 certain customs that we have built up on these lakes
26 that are pretty well adhered to by the lake men -- in
27 thick weather especially -- and the pilot aboard would
28 be familiar with this whereas if... Maybe we always
29 do not stick right to the letter of the law, the rule
30 of the road either, but in the number of years that local



1 English

2 customs have grown up we exercise them and get along
3 very well.

4 Q. But would you give us an example of
5 the local customs prevailing here?

6 A. Well, for one thing we use the radio-
7 telephone. We do not see the other ship; he does not
8 see us. But we can contact a certain ship in a certain
9 position and we talk it over and decide what each of
10 us are going to do and we do it.

11 Q. Do you think that this is now peculiar
12 to the Great Lakes basin only?

13 A. I do not know what happens other places.
14 I have spent my time in the Great Lakes basin.

15 MR. LALONDE: Excuse me, Mr. Jacques;
16 since you are on that subject, what about the custom
17 called the "splitting of ships"?

18 THE WITNESS: Yes, that is another local
19 custom in a narrower channel where we have two ships
20 westbound and one ship eastbound.

21 MR. JACQUES: Q. Yes?

22 A. The ship that is eastbound will go
23 between the two that are westbound.

24 Q. I see.

25 A. That happens maybe four or five times in
26 a voyage in the river.

27 THE CHAIRMAN: In the river? You mean,
28 in the river St. Clair...

29 THE WITNESS: And the Detroit River, in
30 any narrow waters where there is dredged channels.



1 English

2 MR. JACQUES: Q. Where there is enough
3 room for three ships anyway?

4 A. As long as there is enough room.
5 It usually happens that there is a fast ship overtaking
6 a slower ship and a ship going in the opposite
7 direction. Then instead of everybody chugging down
8 each of the westbound ships get to their opposite
9 sides of the channel and the eastbound ship goes down
10 between them.

11 Q. If there were no difference between
12 the International Rules -- or rather if the International
13 Rules were made applicable to the Great Lakes, that
14 would remove the basis for the requirement of pilotage
15 customs?

16 A. Then you would just reverse the
17 procedure. You would have... Ninety five per cent
18 of the ships on the lakes are lakemen.

19 Q. Lakemen have to become accustomed to
20 International Rules on the St. Lawrence River, do they not?

21 A. There is an awful lot of lakemen that
22 do not go on the St. Lawrence River.

23 Q. If your premises are right, should we not
24 require all lakeships to take pilots in the St. Lawrence
25 because the masters may not be familiar with the
26 International Rules and the customs prevailing on
27 the river?

28 A. Most of the masters...
29 Could I have that question again, please?

30



1 English

2 MR. JACQUES: I will ask the reporter to
3 read it back.

4
5 ---The following passage read by reporter:

6 "Q. If your premises are right, should
7 we not require all Lakeships to take pilots in the
8 St. Lawrence because the masters may not be familiar
9 with the International Rules and the custom pre-
10 vailing on the river?"

11 MR. JACQUES: I am sorry, my friend Mr.
12 Mason is not here.

13 THE WITNESS: What part of the St. Lawrence
14 River do you refer to?

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30



1 English

2 Q. From Montreal to Les Escoumains.
3 My friend Mr. Brisset wants me to add Seven Islands to
4 that.

5 A. There is a lot more involved in
6 that pilotage than just the rules of the road. There
7 is local knowledge of the river, buoys and shoals.

8 Q. Would you take on a pilot between
9 Quebec, in your day, and Father Point?

10 A. No.

11 Q. You did not?

12 A. No.

13 Q. You have no trouble with the rules
14 of the road?

15 A. I have no choice. If I had a
16 choice I would have taken a pilot, but I had no
17 choice.

18 Q. Did you have troubles with the
19 rules of the road?

20 A. As I explained before, I studied
21 the rules of the road when I received my certificates.

22 Q. After studying them you were
23 familiar enough with them to use them and navigate in
24 waters where they applied?

25 A. I spent half my time, at least
26 half of my time in international waters.

27 Q. Before getting your Master's
28 ticket?

29 A. Before getting my Mate's or
30 Master's ticket.



1 English

2 Q. You became familiar with both
3 rules?

4 A. Both rules.

5 Q. Did that create any hardship on
6 you to be familiar with two sets of rules?

7 A. No, it was very easy.

8 Q. Is it dangerous to be using one
9 set of rules in one area and another set in another
10 area?

11 A. Shall we say it sort of came like
12 second nature. When you get into the Lachine Canal,
13 when you change the running lights of the ship to
14 the lake rules, I guess you just changed your mind
15 over and came into the inland rules.

16 THE CHAIRMAN: To be complete on
17 this I think this applies to that: You are familiar
18 with both, you have to be familiar with both, very
19 familiar with both?

20 THE WITNESS: Yes.

21 Q. Apparently there is a change due
22 to be made in the Great Lakes rules -- what it will
23 be I don't know. Are you familiar with dispatching
24 at Port Huron?

25 A. Yes.

26 Q. How many men are employed in that
27 dispatching office, would you know?

28 A. I haven't been in the dispatching
29 office in Port Huron, or was never in it last year.

30 Q. You were never in it last year?



English

A. No.

Q. Have you had occasion to be
dispatched from Port Huron?

A. Oh, yes, many times.

Q. Was the dispatching satisfactory
as far as you were concerned?

A. Yes.

Q. You have no complaints about the
dispatching there?

A. No.

MR. LALONDE: I am informed there
are two offices at Port Huron. I don't know whether
the witness is referring to the fact that he was
never in both offices.

MR. JACQUES: To simplify matters
-- excuse me -- did you plan to have someone to
explain dispatching in Port Huron?

MR. LALONDE: It will be only
much later on, in Toronto.

MR. JACQUES: Then we will leave the
subject.

MR. LALONDE: American pilots will
come to explain.

THE CHAIRMAN: And to explain the
answer I think we should say Captain Albinson is
living in Sarnia.

Q. Comments have been made to the
effect that the Department of Transport did not
consult the Canadian pilots. Since you have been in



English

the pilotage business, have you been consulted by the American pilots on matters pertaining to your work?

A. Yes.

Q. Is there an official channel of communication between the Canadian pilots and the American pilots?

A. No, I don't think so. I wouldn't say -- I don't know whether there is an official channel or not. There must be between Ottawa and Washington.

Q. No, I am talking about the two groups of pilots. There is the American Pilots' Association. This Association has officers, I trust?

A. Yes.

Q. And I wonder if this Association consulted the Canadian pilots on any matter pertaining to your work such as work rules, dispatching?

A. Yes, we have been invited to their meetings, and they have been invited to meetings of the Corporation.

Q. Apart from that?

A. Well, to their meetings; I mean meetings on dispatching and working conditions.

Q. I see. What sort of voice did you have at those meetings?

A. We were merely guests. We were asked to give our opinions to the meeting, and then whether they acted favourably or disfavourably to whatever we suggested, that was up to them. We had no



1 English

2 official voice.

3 Q. Did you yourself attend at these
4 meetings?

5 A. I attended some of them, yes.

6 Q. When you were requested to attend
7 meetings, were you requested merely as a Canadian
8 pilot or as an officer of the Corporation of
9 Professional Great Lakes Pilots?

10 A. I think I was invited as a member
11 of the Corporation of Professional Great Lakes Pilots.

12 Q. Do you know if at these meetings
13 the rival organization, Civil Service Association,
14 was also invited to send a representative?

15 A. What did you call it?

16 Q. Civil Service Association of
17 Canada.

18 MR. LALONDE: I think my friend
19 used an adjective.

20 Q. You want the adjective? I said
21 "rival organization".

22 A. I wouldn't call it that, but as
23 far as I know there was no member of the Civil Service
24 organization present at the meeting.

25 Q. You don't know if they were invited?

26 A. I don't know anything about
27 invitations, no.

28 Q. You know they were not there?

29 A. They were not there.

30 Q. How many such joint meetings were



English

held in 1963?

A. I couldn't tell you, sir.

MR. LALONDE: I suggest the President of the Corporation will be in the box and might answer on this.

MR. JACQUES: Thank you.

Q. I am advised sometimes the Canadians and Americans don't get along very well together. The Americans claim that the Canadians don't work enough and the Canadians say the Americans make more money and take all the work away, and what not; they take the nice ships, the fast ships and leave the slow ships to the Canadians. What is your view on that?

A. Well, I certainly heard those stories.

Q. I have heard all the stories; I want the facts now. Is it true?

A. Is it true that there is friction?

Q. Yes.

A. I wouldn't say there is friction. There is certainly disagreements; maybe we can call them family disagreements between the American pilots and the Corporation pilots.

Q. Is it true?

A. We certainly have lots of arguments if that is what you mean.

Q. Is it true that there is juggling done in the dispatching. I am giving an example -- an



English

American pilot would board a fast and well-paying ship?

A. To my knowledge that has never happened to me, and of course that is all I can go by.

Q. I see.

A. Because I am not around watching dispatchers all the time.

Q. What is the nature of the disagreements between the two groups?

A. I suppose maybe it is like family disagreements, I don't know. As far as I personally am concerned, I do not think there is any great disagreement between the two groups. There is disagreement under the systems that the two groups work.

Q. I see. Would you explain that a little further?

A. One is free enterprise and the other is employees.

Q. Are you being criticized because you are employees?

A. No.

Q. Where is the source of disagreement?

A. In the remuneration for the two different systems.

Q. Yes. What is wrong with the remuneration under the two different systems?

A. Well, the American pilot gets paid much more money than the Canadian pilot for doing exactly the same work, and under the exact same



1 English

2 conditions, in the exact same waters.

3 Q. I would think this would be a
4 one-way disagreement.

5 A. Well, it is. It is a one-way
6 disagreement under remuneration, that is for sure.

7 Q. There is a pilot boat service
8 at Detour, is there not?

9 A. Yes.

10 Q. Who provides that service?

11 A. I have no idea.

12 Q. Have you had occasion to use that?

13 A. Yes once.

14 Q. What is your opinion of it?

15 A. It was perfectly all right that
16 time.

17 Q. Is the boat under Canadian flag
18 or American flag, do you recall that? Or perhaps
19 the President of the Corporation

20 A. I am positive it is under American
21 flag.

22 Q. And at Port Huron it is under
23 Canadian flag, is it not?

24 A. The actual pilot boat is under the
25 Canadian flag, yes.

26 THE CHAIRMAN: Taking pilots
27 from Port Huron, is it?

28 THE WITNESS: No, the Canadian
29 pilots board a boat in Sarnia, and American pilots --
30 you can get on the pilot boat on either side of the



1 English

2 river.

3 Q. When did you obtain your Master's
4 Home Trade?

5 A. 1939.

6 Q. Since then have you ever attended
7 courses on radar?

8 A. Yes.

9 Q. You have?

10 A. Yes.

11 Q. Where and when?

12 A. In Toronto.

13 Q. Yes?

14 A. In the Dominion Marine School in
15 Toronto, and I think it was 1955, I wouldn't be
16 positive.

17 Q. Is direction finding used on
18 the lakes?

19 A. Yes.

20 Q. Decca navigator?

21 A. There are no stations on the
22 lakes for Decca.

23 Q. Any similar equipment on the lakes?

24 A. No.

25 Q. None of that?

26 A. No.

27 Q. Have you kept up with the latest
28 developments on radar?

29 A. No.

30 Q. Do you use radar in your job?



1 English

2 A. In emergencies, yes.

3 Q. Would you use radar on the open
4 lakes in a fog?

5 A. Oh, yes, certainly.

6 Q. And in the St. Mary's River?

7 A. I never go there.

8 Q. I'm sorry, the St. Clair?

9 A. Well, if I am caught in the river,
10 if it gets foggy when I am in the river, I would have
11 to use radar until I stopped, otherwise I certainly
12 wouldn't run the river.

13 Q. Are you familiar with various
14 types of displays?

15 A. Well, there is many types. You
16 never know what is the type of radar you are going
17 to be shipmates with when you go aboard a ship.

18 COMMISSIONER SMITH: What is your
19 general opinion as to the effectiveness of radar
20 in navigating in foggy or not clear weather?

21 THE WITNESS: It is a very great
22 step towards safety in the open waters, radar.

23 COMMISSIONER SMITH: And you would
24 say that it is a wonderful assistance in improving
25 navigation and as an aid to navigation?

26 THE WITNESS: Yes, I certainly
27 would.

28 Q. Now, sir, I show you Exhibit 1011,
29 entitled Department of Transport Information, Policies
30 and Regulations for Ships, Pilots, Port Weller - Sarnia



1 English

2 Area. Have you seen a similar document?

3 A. Yes, sir.

4 Q. At any time?

5 A. Yes, sir.

6 Q. When exactly were you engaged as
7 a pilot by the Department? Do you recall the date,
8 the month and the year?

9 A. It was April, 1960, and I would
10 say it was around either the 12th or the 13th.

11 Q. I'm sorry, this document does
12 not seem to apply. It is dated 1961. I show you
13 another document which apparently is a photocopy of
14 an advertisement in a paper. Would you tell me if
15 you have seen this advertisement? Would you read
16 it carefully to ensure whether you have seen that?

17 A. I think that is a copy or
18 photograph of the same advertisement that I answered
19 for the competition.

20 MR. JACQUES: I should like to
21 file this as Exhibit

22 THE CHAIRMAN: 1043.

23 MR. JACQUES: Exhibit 1043. It
24 is entitled photocopy of an advertisement for pilots
25 for the Port Weller-Sarnia area.

26
27 ---EXHIBIT NO. 1043: Photocopy of advertisement for
28 pilots for the Port Weller -
Sarnia area.

29 THE WITNESS: May I see this?

30 Q. Yes, you may check it again if you



1 English

2 wish. Was that the first knowledge that you had that
3 pilots were requested for the area of Port Weller
4 and Sarnia?

5 A. Yes.

6 Q. It was?

7 A. Yes.

8 Q. It was in reply to this ad or
9 a similar ad that you began making enquiries
10 necessary to become a pilot?

11 A. That is correct.

12 Q. Whom did you contact about it?

13 A. Well, we had to write to somebody
14 in Ottawa. I don't know who it was. I don't
15 remember. It seems to me it was the Deputy Minister,
16 Baldwin. I couldn't be sure.

17 Q. Before, let us say, you gave
18 your consent to become a pilot, what explanations,
19 if any, were given you on the work you would be
20 called upon to do either verbally or in writing?

21 A. Well, I was under the impression
22 that it was going to be from Port Weller to Sarnia.

23 Q. Period?

24 A. Period, and that was it, and that
25 was all the work we did the first year. We never
26 went beyond Port Weller or Sarnia for one whole year.

27 Q. Was there any mention -- there was
28 mention of the salary because the salary is mentioned
29 in the advertisement?

30 A. Yes.



1 English

2 Q. Was there any mention of the
3 number of hours per week that you would be called upon
4 to work?

5 A. No, I don't remember. We were
6 all given a slip or a sheet, something like that one
7 you had, only it was dated a different date on it.
8 Conditions of work.

9 Q. Would you have kept a copy of
10 that document or that document itself?

11 A. I think possibly I have one at
12 home, but I am not sure.

13 Q. Would you look in your files,
14 please, and see if you can find it?

15 A. Yes.

16 Q. Now, sir, I show you a letter
17 dated September 7, 1960. I am advised that this
18 letter was sent to all Port Weller-Sarnia pilots
19 on that date and month. Would you look at that letter
20 and tell me if you received it?

21 A. Yes, I got a copy of it.

22 MR. JACQUES: I should like to
23 file this document as Exhibit 1044.

24 --- EXHIBIT 1044 Letter dated Sept. 7, 1960
THE SECRETARY: What is the date?

25 MR. JACQUES: Circular letter dated
26 September 7, 1960, signed by Alan Cumyn, Director,
27 Marine Regulations.

28 MR. LALONDE: Is this the letter
29 where they stated they might get 50 hours a week?

30 MR. JACQUES: Would the Commission



1 English

2 like to have it read?

3 "Dear Captain: During recent
4 debates in the House of Commons publicity
5 was given to a telegram which was
6 alleged to have been sent on behalf of
7 the Port Weller and Sarnia pilots,
8 charging that departmental officials are
9 failing to act in good faith with the
10 pilots, particularly with regard to the
11 50 hour work week.

12 I am loath to believe that any
13 of the pilots were actually a party to
14 the several accusations made in the
15 telegram. However, in case there may be
16 some misunderstanding, I wish to state
17 that when the 50 hour work week was
18 discussed at a meeting between officials
19 of the Canadian Merchant Service Guild
20 and the Department on January 29th, 1960,
21 it was clearly explained that --

22 (a) that the salary rate of \$1,200.00
23 per month was fixed to include
24 all overtime which might be
25 required;

26 (b) that for the purpose of deciding
27 on the number of pilots that
28 should be appointed, the Depart-
29 ment would consider a 50 hour
30 work week as a reasonable average;



English

(c) that the 50 hour work week meant 50 hours of actual piloting time on the bridge, it being understood that a pilot should be considered as working during short periods while the ship is waiting for a lock in a canal.

I am always pleased to hear, either directly or through the Supervising Pilot at Port Weller, from any pilot who sincerely feels he is being overworked or unfairly dealt with in any way."

Q. Now, what is your version of this 50 hour work week?

MR. LALONDE: Before the witness answers, My Lord, since my friend has been provided with this document, I would appreciate it if the person who provided this document to my friend would also provide the Treasury Board minute or the authority for setting up a 50 hour week for government employees.

MR. JACQUES: I am very much embarrassed because I have not got the Treasury Board minute. I don't even know if there is a Treasury Board minute behind the letter.

MR. LALONDE: I am not asking it from my friend. I said if the person who provided it could also provide the authority for this letter.

THE CHAIRMAN: This would be the Deputy Minister.



1 English

2 MR. JACQUES: My friend can rest
3 assured when the Commission sits in Ottawa, personnel
4 of the Department of Transport will take the stand
5 and explain the procedure that was followed in hiring
6 Port Weller-Sarnia pilots.

7 MR. LALONDE: It is just that I
8 am afraid, My Lord, we will be sitting a very long time
9 indeed in Ottawa.

10 THE CHAIRMAN: I expect that.

11 MR. JACQUES: Yes. Thank you.

12 MR. LALONDE: It is my fault, I
13 interrupted. I think my friend asked a question of
14 the witness, and I did not give him a chance to
15 answer.

16 Q. What is your version of this 50
17 hour work week? For one thing, when you were hired
18 were you told how many weeks you would work?

19 THE CHAIRMAN: How many hours
20 per week?

21 Q. Yes.

22 A. No.

23 Q. You were not?

24 A. No.

25 Q. Did you think of inquiring how
26 many hours you would work?

27

28

29

30



1 English

2 A. There has been so much water under
3 the bridge about hours since that time that I forget just
4 what was said in that brief.

5 Q. Perhaps we might wait until you look
6 at the document to see if we still have that.

7 Another question: Does the United States
8 Corps of Engineers consult with Canadian or U.S. pilots
9 on aids to navigation -- in your District, of course?

10 A. The U.S. Corps of Engineers and the
11 U.S. Coast Guard are always available.

12 Q. But do they ask you or the Canadians
13 or the Americans for your opinion or your recommendations
14 on aids to navigation?

15 A. Not so far as I know. They have never
16 come to us or sent a letter to the corporation that I
17 know of asking for...

18 Q. What position do you occupy in the
19 corporation?

20 A. I am a member; that is all.

21 Q. You are not an officer?

22 A. No, I am not an officer.

23 RE-DIRECT EXAMINATION BY MR. LALONDE:

24
25 Q. Talking about harbours on the Great Lakes,
26 you said in answer to a question by my friend, Mr.
27 Jacques, that there were some areas where currents would
28 vary and change and some where currents would be, rather,
29 pretty steady. Would you say what the situation is
30 in that regard at Little Current? I don't know whether



1 English

2 it is well named?

3 A. At Little Current you can have the current
4 running east at four or five knots and in three
5 minutes the current can be running west at the same rate
6 of speed.

7 MR. JACQUES: It sounds like politics!

8 MR. LALONDE: Q. Is there a river there
9 producing this current, or what?

10 A. No, it is not a river; it is just a
11 channel between an island and the mainland.

12 Q. And the current is produced by what --
13 change in the wind, or what?

14 A. Nobody can tell us why the current
15 changes at Little Current.

16 Q. By the way, have you calculated for
17 last year how much you would earn yourself for the
18 Government in pilotage earnings?

19 A. Roughly, yes.

20 Q. What figure did you arrive at?

21 A. \$18,830.00

22 Q. These are the total pilotage dues
23 and would include detention, pilotage fees, as such,
24 movages and all that, I suppose?

25 A. Yes.

26 Q. Would it include the expense charges
27 to the ships?

28 A. No.

29 Q. That is strictly pilotage dues?

30 A. Strictly pilotage.



1 English

2 Q. That is the money which the Government
3 collected out of your work?

4 A. Yes.

5 THE CHAIRMAN: But it would include some of
6 those charges, wouldn't it?

7 MR. LALONDE: All the administration
8 charges are included. This is strictly pilotage
9 earnings, including everything.

10 THE CHAIRMAN: Because it is a different
11 situation up here than it is in other places.

12 MR. LALONDE: Q. Did you, at the end
13 of the year, show an average of trips roughly equivalent
14 to other pilots, or was it a little bit lower?

15 A. Well, I think it is about average.

16 Q. You said you had not made any trans-
17 lake trips last year, but Captain Watson provided us
18 with a figure of 181 trans-lake trips last year being
19 made by District pilots -- trips outside the District --
20 jobs...

21 MR. JACQUES: And he said that included
22 movages; a movage in Toronto harbour would be included
23 in the 181 figure.

24 MR. LALONDE: Q. I understand, then --
25 it is quite obvious -- that some other pilots made
26 more than the three trips outside the District.
27 How would it occur that you didn't make any? Did
28 it just happen like that?

29 A. I was just plain lucky.

30 THE CHAIRMAN: While we are on the question



1 English

2 of the number or trips, here the system is tour de
3 roll strictly and not tour de roll plus trips as it is
4 in other districts. This is strictly tour de roll?

5 THE WITNESS: Yes.

6 THE CHAIRMAN: You are away for three weeks
7 on a trip, and when you come back you are put at the
8 end of the tour de roll?

9 THE WITNESS: Yes, first in and first out.

10 MR. LALONDE: Q. I would like you to
11 clarify what you said in answer to a question by my
12 friend, Mr. Brisset, about working on the lakes.
13 You said you felt that there should be pilots aboard
14 all of the deep sea ships on the lakes, I understand?

15 A. Yes, that is correct.

16 Q. And you said you wouldn't like to have
17 a sailing master, or that you wouldn't like to return
18 to the sailing master system. What system do you
19 have in mind outside District No. 2 itself, for instance?
20 Do you have in mind a system which is not in existence
21 at the present time with lake pilots, or...

22 A. They could call it District 2A or
23 District 2B and maybe do the same thing as they do
24 on Lake Ontario, with trainee pilots and lake pilots,
25 and as the need arises for pilots in the District,
26 why, bring them out of the lake district and put them
27 right into the district proper.

28 Q. Just a matter of clarification. In
29 answer to a question about the port of Chicago, are you
30 aware whether there are any pilots in Chicago who would



1 English

2 be port pilots -- these being District No. 1 or
3 District No. 2?

4 A. The port pilots in the port of Chicago
5 are No. 2 or No. 3 District pilots that are sent there
6 to make movages of the ships in harbour. There are
7 no definite Chicago pilots.

8 Q. And are they sent there for the whole
9 year or only for a certain period?

10 A. They are sent there for short periods
11 at a time, I understand, and there may be one or two,
12 whatever the traffic demands are at the time.

13 Q. Do I understand that there are not
14 all the year round one or two District No. 2 pilots
15 stationed on a tour de roll basis in Chicago?

16 A. No.

17 Q. On this question of helmsmen, I would
18 like to ask you another question. You spoke about
19 language barriers. In your opinion does the question
20 of experience itself as a helmsman come into consideration
21 if
22 in your view that /you could have helmsmen it would
be better?

23 A. Oh, if we had real Canadian helmsmen
24 all the time it would be much better.

25 Q. Why do you say that?

26 A. Well, they are more familiar with
27 handling ships in close quarters, and, doing it all
28 the time, they become accustomed to it; and they have
29 some idea of why ypu want this and why you want that
30 and whether you want it in a real big hurry or whether



1 English

2 they can take their ordinary time in doing it. It
3 is truly a matter of being familiar with the job.

4 Q. Yes. I have looked at Exhibit 1040
5 which is the list of reported casualties in this
6 District, and I see in a number of instances where
7 ships have hit lock walls or docks -- in many instances
8 lock walls have been touched -- and mentioned as the
9 cause you have reference to wind and current or sheer
10 as causes.

11 What is your opinion with regard to helmsmen
12 on deep sea ships. Do you feel that the rate of
13 accidents would decrease if you had regular helmsmen
14 in the Welland Canal?

15 A. Yes.

16 MR. JACQUES: Have you made a particular
17 study of the causes of accidents and the remedies to
18 be brought into effect to diminish the number of
19 accidents?

20 THE WITNESS: In the Welland Canal?

21 MR. JACQUES: Yes.

22 THE WITNESS: No; I am just speaking from
23 practical experience of the Welland Canal. A good
24 wheelsman is far better than a poor one.

25 MR. JACQUES: And a good pilot is far
26 better than a poor one?

27 THE WITNESS: Yes; or an experienced
28 wheelsman is better than a man who hasn't experience.
29 Let us put it that way. Experience is, I think,
30 the proper word to use.



1 English

2 MR. LALONDE: Q. My friend mentioned
3 the fact that rudder extensions would have been used
4 mainly before the forties. Has it come to your
5 knowledge that this practice was carried on even in the
6 fifties aboard deep sea ships?

7 A. No.

8 Q. You wouldn't be in a position to state...

9 A. No, I wouldn't be in a position to say
10 Yes or No.

11 Q. Now, I asked you how much you had
12 earned in pilotage tariff. I forgot to ask you how
13 much you were paid?

14 A. \$11,373.87.

15 MR. JACQUES: Including pre- and post-
16 pilotages?

17 THE WITNESS: That is from my form that I
18 received from the Treasury Department to give to the
19 Income Tax people; it includes everything.

20 THE CHAIRMAN: Have we an exhibit on that?

21 MR. JACQUES: Yes, we do have an exhibit;
22 but I don't think the form coming from the Treasury
23 Department would include pre- and post-pilotages --
24 pre-season pilotage and post-season pilotage, where the
25 pilots are paid directly.

26 But in those cases are you paid through
27 the Department of Transport -- in the case of post-season
28 pilotage?

29 THE WITNESS: I get a Government cheque.
30 I receive a Government cheque.



1 English

2 MR. JACQUES: Even for pilotage which you
3 have done after the season?

4 THE WITNESS: Yes.

5 MR. JACQUES: You receive a Government cheque.

6 THE WITNESS: Yes.

7 MR. JACQUES: Then, it is quite possible
8 that it would be included in the figure you quoted?

9 MR. LALONDE: Q. In connection with
10 the tie-up wall in Port Weller, I don't know whether I
11 understood my friend's question correctly or your
12 answer correctly. Did I understand you to say that
13 once a ship was tied up or moored at the tie-up wall
14 in Port Weller that ship could safely move from one station
15 to another station up the lock without a pilot on board?

16 A. Yes, they do that.

17 Q. And that is your opinion, that they
18 could move up the lock without a pilot?

19 A. Under ordinary conditions, yes.

20 MR. BRISSET: If this may assist, this is
21 what the regulations imply -- Article 2, sub-paragraph
22 (cc).

23 MR. LALONDE: What document is this?

24 MR. BRISSET: The Pilotage Regulations --
25 P.C. 1961-623.

26 THE WITNESS: It is not compulsory to have a pilot and if
27 no pilot is used there is no charge; so long as you
28 warp the vessel from one berth to another by means of
29 mooring lines.

30 MR. LALONDE: Q. What size of ship were



1 English

2 you piloting in the St. Lawrence River below Quebec?

3 A. One of the old canal ships.

4 Q. How old? What was the net tonnage
5 of that ship?

6 A. Around 1,130 to 1,170 tons.

7 Q. I understand that that ship was exempt
8 under the regulations?

9 A. Yes, that is correct.

10 Q. Again, you said that you would have
11 preferred to employ a pilot. Is there any particular
12 reason why you would have preferred to employ a pilot?

13 A. Why I could not employ a pilot?

14 Q. Why you couldn't?

15 A. Company policy.

16 Q. And, secondly, why did you say you
17 would have preferred to employ one?

18 A. It is always good to have expert advice.

19 MR. JACQUES: Also, you wouldn't have had
20 any work to do.

21 THE WITNESS: Correct.

22 MR. LALONDE: Q. From your experience
23 would you say that the remarks you made about lakes
24 harbours would apply in the same way for lake ships
25 going from Montreal or Quebec? That is, in your
26 experience, a ship going to Montreal harbour, or
27 Quebec harbour -- a lake ship -- should a lake ship be
28 free to use a pilot or not at these harbours?

29 A. Well, the lake masters never become
30 as familiar with the berths in Montreal or Quebec or



1 English

2 Sorrel or Three Rivers as they do on the lakes where
3 they are brought up and where they are in and out of
4 ports all the time.

5 When you go down there to Montreal and
6 Quebec you might get down there three or four times
7 a year or you might get down there twice a year --
8 maybe half a dozen times at the most; so you would
9 never become as familiar with those ports as you would
10 with the ports you are in and out of every week or
11 every three or four days.

12 Q. Would you say whether the local
13 conditions so far currents and traffic are also
14 different, in your opinion, in these ports in the St.
15 Lawrence River compared with the great Lakes?

16 A. Oh, definitely they are.

17 MR. LALONDE: I don't have any further
18 questions.

19 THE CHAIRMAN: Will there be any further
20 questions of the witness?

21 MR. BRISSET: Yes -- very short.

22 THE CHAIRMAN: Very short. All right.

23 FURTHER CROSS-EXAMINATION BY MR. BRISSET:
24

25 Q. Captain, you told us that before 1960
26 you were working for the firm, Scott Miesner Steamships?

27 A. Yes.

28 Q. In these years did you share the opinion
29 of your employer that ^{ocean} ships should be kept out of
30 the lakes?



1 English.

2 A. I didn't know that was his opinion.

3 Q. Do you think it would be safer if they
4 were kept out of the lakes at the moment?

5 A. Not necessarily, no.

6 Q. Well, what is your opinion? Should
7 ocean shipping be encouraged on the lakes or should
8 it be discouraged?

9 A. It should be encouraged.

10 Q. In what way?

11 A. In every possible way we can encourage
12 it.

13 Q. By making it as expensive as possible
14 for it to come through?

15 A Well, that wouldn't be encouraging it,
16 would it?

17 Q. You have suggested special helmsmen to
18 be put on board ocean ships through canals. Would
19 you think, if this practice was established, pilots
20 could be dispensed with while the helmsman with
21 experience handles the ship?

22 A. No. They would be there to assist
23 the pilot.

24 Q. Have you made a study of the statistics
25 of accidents on the Great Lakes to determine the
26 percentage of accidents that occurred when pilots were
27 on board compared to cases where there were no pilots
28 on board.

29 A. No, I haven't.
30



1 English

2 Q. While you were master of your own vessel
3 working in the St. Lawrence below Montreal did you have
4 accidents?

5 A. No.

6 Q. Even although you had no pilot?

7 A. No; I had a pilot from Montreal.

8 Q. You had at all times?

9 A. As far as Quebec, yes.

10 Q. Did you have any below Quebec?

11 A. No.

12 Q. That was company policy?

13 A. Yes, that was company policy.

14 Q. Did you have accidents below Quebec
15 without pilots?

16 A. No. That was company policy also.

17 Q. Do you know of any company that has a
18 policy advocating accidents to their ships.

19 THE CHAIRMAN: Are there any further questions?

20 --- (No response)

21 THE CHAIRMAN: Thank you, Captain.

22 We will adjourn now until tomorrow morning
23 at 10.00 o'clock.

24
25 --- Thereupon the hearing was adjourned at 5.05 p.m.
26
27
28
29
30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

ST. CATHARINES,
Ontario

VOLUME No.:

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DATE:

March 13, 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Police and Magistrates'
Court Building, St. Catharines,
Ontario, on Friday, the 13th day
of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots



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-14423- St. Catharines, Ontario
Friday,
March 13th, 1964

English

MR. LALONDE: My Lord, in his evidence yesterday Captain Albinson referred to a statement of earnings as having been forwarded to him from Ottawa. I am informed that the pre season and post season payments are made not from Ottawa but from the Port Weller Pilotage Authority, or pilotage station. It seems this would not appear in the statement coming from Ottawa itself.

THE CHAIRMAN: I thought there was a mistake there because it could be verified from the various exhibits that have been filed already.

MR. LALONDE: Yes. Anyway, I think we have on the record the earnings of each pilot, pre season and post season earnings.

THE CHAIRMAN: Thank you.

MR. LALONDE: I will call Captain R. A. Stevenson.

ROBERT ALAN STEVENSON, Sworn

DIRECT EXAMINATION BY MR. LALONDE:

Q. Will you spell your full name?

A. Robert Alan Stevenson.

Q. What is your age?

A. 37.

Q. What is your profession?

A. Pilot.

Q. Which District?

A. District #2, Port Weller to Sarnia.

Q. Since when have you been a pilot

in this District?



1 English

2 A. I have been a pilot in this
3 District since 1958.

4 Q. Previous to 1958 where were you?

5 A. I was a sailing master from the
6 latter end of 1955 to 1958.

7 Q. When you say you were a sailing
8 master, I understand you were a sailing master on the
9 Great Lakes?

10 A. On the Great Lakes, yes.

11 Q. Previous to 1955 what were your
12 functions?

13 A. I first went to sea the end of
14 1943 as an apprentice officer.

15 Q. For what kind of ship?

16 A. Cargo ships, foreign-going cargo
17 ships.

18 Q. Yes?

19 A. I got my second mate's ticket
20 in 1947. I served for about 4 months with Allen and
21 Black of Sunderland, also a cargo ship. Then I joined
22 Saguenay Terminals in the beginning of February, 1948
23 as third officer.

24 Q. As?

25 A. Third officer.

26 Q. Yes?

27 A. I got my mate's ticket in 1951.
28 I got my Master's ticket in 1954.

29 MR. JACQUES: Foreign-going?

30 THE WITNESS: Foreign-going.



1 English

2 Q. Could you tell the Commission
3 what was your experience at sea?

4 A. Well, I served as third officer,
5 second officer and chief officer. I was going to go
6 relieving Master, however I had applied for a year's
7 leave of absence, and I merely brought the ship down
8 from Port Alfred to Quebec, and I left the ship at
9 Quebec. I had asked for a year's leave of absence,
10 and I carried that out.

11 Q. I understand you sailed extensively
12 on the Great Lakes, didn't you, before being a sailing
13 master?

14 A. No, I didn't sail extensively
15 on the Great Lakes.

16 Q. Where did you sail mainly?

17 A. Sailed extensively ocean-going.

18 Q. Between Europe and Canada?

19 A. My war years, that was from the
20 time to the end of the European war in 1945; the
21 first year I was in the Mediterranean, and up until
22 the end of the war I was trading from Britain to Europe.

23 Q. Yes?

24 A. From then the vessel was tramping
25 mostly to Canada and the Mediterranean.

26 Q. Yes?

27 A. Allen and Black, it was a lease-lend
28 ship. We did two trips from North Africa to Europe,
29 and then the ship was handed back to the American
30 authorities in Charleston, South Carolina.



1 English

2 I returned home at that point
3 and I was offered a job on the Saguenay Terminals,
4 which I took. I went out to Trinidad and joined
5 the vessel in Trinidad as third officer. I did 17
6 months then on the shuttle between Trinidad and
7 British Guiana, shipping boxite out from British
8 Guiana.

9 Q. Yes?

10 A. I came back to Canada, and after
11 leave, I joined one of the cargo vessels which was
12 running -- it was more tramping than on general cargo.
13 It was on tramp service, sometimes to Europe and
14 sometimes to the Mediterranean, and sometimes out to
15 the West Coast.

16 During this time I was second
17 officer and from then I went from there to chief
18 officer on general cargo trade from Canada to the
19 West Indies, and after I got my Master's ticket I
20 was chief officer on a vessel trading from the West
21 Coast to Japan.

22 Q. Then I understand you decided to
23 become a sailing Master on the lakes; is that right?

24 A. Well, it had been my intention to
25 get into pilotage, and the Seaway was being built and I
26 decided this would be an excellent place to get into
27 pilotage.

28 Q. Had you traded on the lakes? Had
29 you made any trips on the lakes before you came here?

30 A. Yes, that year I was with the



1 English

2 Canada Steamship Lines.

3 Q. As an officer?

4 A. As an officer, yes.

5 Q. Did you serve for a couple of
6 months or several months, a year?

7 A. For most of the year, right up
8 until I put in an application, and then there was a
9 very great shortage of sailing masters. I took a ship
10 up which was owned and operated by a French Line, and
11 the next year they offered me a contract to trade their
12 ships exclusively.

13 Q. We will have a few questions to
14 ask you about sailing master's practices, but before
15 proceeding to this, since the first two paragraphs in
16 your brief refer to that experience -- first of all
17 I will ask you a few general questions about your brief.

18 I understand you are an officer
19 of the Corporation of Professional Great Lakes Pilots?

20 A. That is right. I have been Presi-
21 dent of the organization since it was formed.

22 Q. When was that?

23 A. It was formed officially on
24 January 8, 1962.

25 Q. Now, this brief I understand was
26 prepared under your direction?

27 A. Yes, that is right.

28 Q. By yourself?

29 A. By myself.

30 Q. Was this brief submitted in any



1 English

2 form to the membership of your Corporation?

3 A. Yes, I read it out to them at
4 the last general meeting, which was December 16, and
5 asked for any comments and any changes that should be
6 made to it.

7 Q. 1963?

8 A. 1963.

9 Q. Was the text which you read
10 approved by the general meeting at that time?

11 A It was approved I would say to
12 99%. There were some small changes and some small
13 additions. I couldn't tell you right now just what they
14 were.

15 Q. Were the changes recommended by
16 the membership inserted in the brief?

17 A. Yes, they certainly were.

18 Q. Would you please take your brief?
19 You have a copy there? The first paragraph you refer
20 to the practice which applied in the 1920's. I under-
21 stand that you wrote this on the basis of common
22 knowledge, I presume?

23 A. I wrote this on the basis of one
24 of the pilots in District #3; apparently his father
25 was sailing master in those times, and he used to go
26 along as wheelsman for his father.

27 Q. That is a pilot in District 3 was
28 the wheelsman for his father?

29 A. That is correct.

30 Q. Where did you get the information



1 English
2 of the fact that from 1952 on the sailing master
3 would board vessels only at Kingston?

4 A. This was when the pilots -- I think
5 pilotage was changed at Kingston down in 1952. I
6 checked with some of them, and they said that is when
7 it went into effect.

8 Q. Yes. I understand you were a
9 sailing master from 1955 on?

10 A. That is right.

11 Q. Would you explain to this Commission
12 what was the practice and the role of the sailing
13 master at the time?

14 A. We used to board vessels at Kingston
15 and we would remain with the vessels until they came back
16 down to Kingston. That is, we would do pilotage in all
17 the harbours; we would do the Welland Canal, the
18 rivers, any narrow place. Any place -- in fact we
19 were on call any time where we were needed.

20 Q. I presume this meant you would
21 be away on trips sometimes for several weeks?

22 A. The average would be about three
23 weeks. Sometimes it may have been less and sometimes
24 more, but I would say the average in those days would
25 be about three weeks per trip.

26 Q. What was the basis of your
27 remuneration at that time? Was it contract for so
28 much per year?

29 A. When we were with the companies,
30 it was under contract for so much per year. To begin



1 English

2 with in 1955 it was \$27.50 per day. This was if you
3 were not in contract to the company and on a tour de
4 roll basis.

5 Q. You would be paid that much for
6 every day you would be aboard the ship?

7 A. That is correct, or part of a
8 day.

9 Q. Yes?

10 A. With the contract that year we
11 were paid \$4,750.00 for the season.

12 Q. Yes?

13 A. By the various companies.

14 Q. Were these agreements with the
15 Shipping Federation of Canada itself or with the
16 companies?

17 A. These agreements were with the
18 companies themselves. However, I think it was done --
19 the companies were together in the Shipping Federation.
20 As far as I know they were standard contracts.

21 Q. You stated until 1957 most of
22 the sailing masters were under contract to the shipping
23 companies?

24 A. That is correct.

25 Q. Would you say approximately what
26 percentage of sailing masters were under contract at
27 the time?

28 A. I would say about 75%.

29 Q. Yes. How many sailing masters
30 were there in 1957, do you remember?



1 English

2 A. Yes. There were 42.

3 Q. That is including those on the
4 tour de roll basis?

5 A. Yes.

6 Q. Were there any particular
7 qualifications required by the Department of Transport
8 in order to become a sailing master?

9 A. No, I don't think the Department
10 of Transport was interested at all in it at the time.
11 Of course you had to have a Master's certificate.

12 Q. Yes?

13 A. But other than that they were
14 not interested in any way, shape or form as far as I
15 know.

16 Q. When you applied and obtained your
17 Master's certificate, I understand that at that time
18 you had not expressed the intention to become a
19 sailing master, or had you?

20 A. Oh, definitely not. At the time
21 just intent on getting a Master's certificate.

22 Q. You didn't have to pass any other
23 examination or obtain any other document from the
24 Department in order to become a sailing master?

25 A. No, none whatsoever.

26 Q. Now, you state in paragraph 1 in
27 1957 the sailing masters elected to do away with the
28 contracts and take the ships on a tour de roll basis.
29 Were you active as a sailing master at the time?

30 A. Yes.



English

Q. Did you participate in any way in that decision of the sailing masters?

A. Yes, it was elected. We had a secret ballot at the time. I can't remember the date, but we had a secret ballot. The meeting was held in the Frontenac Hotel --

Q. The Frontenac Hotel?

A. In Kingston. The secret ballot was held on this matter, and we went by the majority.

MR. JACQUES: That date or in those years, was there a sailing masters' association?

THE WITNESS: Yes.

Q. I was coming to that. What was the situation or organization under which you were at that time?

A. It was called Great Lakes Pilots' Association.

Q. Were you an officer of that association?

A. No, I was not an officer.

Q. You were a member?

A. I was a member of the association, yes.

Q. What were the main reasons why you elected to do away with the contracts?

A. I think some of the men were complaining that some were getting all the good ships and some were getting all the scruff, and it was felt if we were to have an association it should be done



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Stevenson, dir
(Lalonde)

14433

English

fairly, that you took the good with the bad, and not some take all the good and some all the bad.

Q. I see. In your opinion was this the prevailing reason at the time?

A. Yes, I would say that was the prevailing reason. As I say, we had to have everybody together, and obviously this idea of some taking the good and some taking the bad had a division within the ranks. It had to be done fairly.

Q. Were you all members of that Great Lakes -- how do you call it again?

A. The Great Lakes Pilots' Association.

Q. Yes?

A. Yes, we were all members.

Q. Do I understand that in 1957 all sailing masters operated during the whole year on the basis of the tour de roll?

A. That is right, subject to trip numbers though. If somebody was getting too many trips, then they would be taken out and put down a little to let anybody who was getting behind keep up so that we would try to have an equal remuneration to all.

Q. Were you remunerated on a daily basis aboard ships?

A. Yes, we were on a daily basis.

Q. The collection for this purpose, was it made by the Association or any other organization?

A. This was paid directly to the



1 English

2 members -- they billed the ships themselves -- and it
3 is paid directly to the members.

4 Q. Did the members themselves
5 collect the money from the ships or was that collected
6 through an agency?

7 A. The members themselves collected
8 the money from the ships.

9 Q. In paragraph 2 of your brief you
10 stated that in 1958 on the 16th April, the Shipping
11 Federation sent out some telegrams to some 25 of the
12 42 members informing them that the sailing masters
13 system had been abolished and instead a pilotage
14 District from Port Weller to Sarnia had been set up
15 with the approval of the Department of Transport.
16 Were you there at the time?

17 A. Yes.

18 Q. Would you explain the events in
19 1958 as you saw them yourself?

20 A. Well, as I saw them myself -- I
21 must say I had been away on naval training three months
22 of this period of the first part of the year.

23 Q. Which months would that be approxi-
24 mately?

25 A. I had been away in January, February,
26 March.

27 MR. JACQUES: What year?

28 THE WITNESS: Of 1958.

29 MR. LALONDE: Q. Yes?

30 A. I came back and we were expecting



1 English

2 to start work, as I say, on the 16th, I think. On
3 the 16th we received telegrams from the Shipping
4 Federation saying that the sailing master system had
5 been abolished and instead a pilotage District from
6 Port Weller to Sarnia had been set up with the approval
7 of the Department of Transport. I think I have the
8 telegrams in my briefcase.

9 Q. Would you have the telegram with
10 you?

11 A. Yes.

12 Q. May I file a copy of the telegram
13 which you received? (Telegram produced)

14 I have here a telegram dated
15 April 16th, 1958 addressed to Captain R. A. Stevenson
16 and signed J. E. Matheson, Shipping Federation of
17 Canada. It reads as follows: "This is to advise
18 that the system of sailing masters previously in effect
19 has been discontinued and the dispatching service
20 at Kingston abolished stop. The Shipping Federation
21 with the approval of the Department of Transport is
22 giving effect to a pilotage system in the restricted
23 areas of the Great Lakes between Port Weller and
24 Sarnia stop. You are therefore invited to make
25 application by telegram to 'Pilotage' Shipping Federation
26 of Canada, Room 515, Board of Trade Building, Montreal,
27 not later than noon on Saturday, 19th April stop. It
28 is intended the pilots in the new pilotage District
29 will be employed on a seasonal salary of eight thousand
30 dollars."



1 English

2 I would like to file this
3 document as Exhibit 1045.

4 ---EXHIBIT NO. 1045: Telegram dated April 16, 1958 from
5 Shipping Federation of Canada to
6 Captain R. A. Stevenson.

7 Q. Did you have any previous knowledge
8 to the effect that such a decision was forthcoming?

9 A. None whatsoever.

10 Q. To your knowledge had the officers
11 of your associations at the time been made aware of
12 such a decision before these telegrams were sent?

13 A. I do not think so. I am not sure
14 on this. As I say, I had been away. I am not sure,
15 but I do not think so.

16 Q. As far as you are concerned yourself
17 this telegram was the first notice you had of this
18 decision?

19 A. Yes.

20 Q. What was the effect of this
21 telegram?

22 A. Well, I am not sure if there
23 was that many -- if 25 were handed out. However, short
24 of doing a survey myself amongst the pilots I would
25 think that was about the number. In other words it
26 meant that 17 of the men were going to be out of work.

27 I personally felt this was wrong.
28 If they had wanted to set up a system like this, I
29 think they should have done it in a proper manner and
30 given the men a chance to either find work.... It should



1 English

2 have been done much earlier and therefore if that is
3 the way they are just going to dump 17 men working in
4 an association like this, I felt this was wrong and
5 none of us went to work in order to try to get all
6 42 men working.

7 Q. I see. Do you have any other
8 documents in relation to these events in April, 1958?

9 A. Yes. The Shipping Federation
10 sent a good many telegrams out during this time asking
11 us to go to work and telling us probably this is the
12 last chance etc.

13 Q. Telling you what? Excuse me?

14 A. This was the last chance to
15 apply etc.

16 Q. I see.

17 A. I feel this was a deliberate
18 attempt to smash the association.

19 Q. Do you have these telegrams with
20 you?

21 A. Yes, I have; they are all here.

22 MR. LALONDE: I will join these
23 telegrams with the previous Exhibit, My Lord. They
24 are all telegrams addressed to Captain R. A. Stevenson.
25 Most of them are telegrams by Captain J. A. Matheson,
26 Shipping Federation of Canada to Captain R. A. Stevenson.
27 One of them is a telegram by Captain J. A. Andrews to
28 Captain Stevenson.

29 ---ADDITION TO EXHIBIT 1041: Bundle of telegrams to
30 Captain R. A. Stevenson.



1 English

2 Q. Do you know who is Captain J. A.
3 Andrews -- who he was at the time?

4 A. He was President of the Association.

5 Q. Did you attend meeting of the
6 Association at that time?

7 A. Yes, we held meetings.

8 Q. I understand you were refusing
9 either to accept the invitation which was sent to some
10 25 of you to join pilotage in the Port Weller/Sarnia
11 District and also you refused to act as sailing master
12 during that time; is that correct?

13 A I think the Shipping Federation
14 issued instructions to the vessels not to take sailing
15 masters in any circumstances. Whether they wanted to
16 or not, they were not allowed to.

17 Q. Do you have any personal knowledge
18 as to that?

19 A. I cannot remember the ships at
20 the time. However, I think there was one came down
21 from Chicago, I know, with a man on board all the way
22 down.

23 Q. With a sailing master on board?

24 A. Yes.

25 Q. Was this during the time you had
26 that work stoppage?

27 A. Yes. I cannot remember the name
28 of the vessel. Also I think at the time there was a
29 vessel upbound wanted one but it was suddenly altered
30 that he could not take one. I forget what ship it was,



1 English

2 but I am sure there must be something in the Shipping
3 Federation files to that effect.

4 Q. Were you refusing yourselves at
5 the time to act as sailing masters on the Great Lakes?

6 A. No.

7 Q. What was the policy of your
8 Association at the time?

9 A. The policy at that very time was
10 to get all 42 men working, not just 25.

11 Q. Was your Association insisting on
12 the continuation of the policy of having sailing
13 masters or was your Association willing to work in a
14 restricted District?

15 A. Due to the speed at which this
16 thing cropped up ...

17 Q. Excuse me?

18 A. Due to the speed at which this,
19 shall we say, labour dispute cropped up, I do not think
20 anybody had time to really think clearly on the
21 subject. I think there was a great deal of emotion
22 involved in this, the emotion being that 17 men were
23 suddenly just dumped on their rear ends without any
24 notification.

25 Q. I see. Finally, how did the
26 event turn out eventually?

27 A. Some of the men went to work
28 and other men were brought in.

29 Q. Some of the men went to work where
30 -- on the Great Lakes generally as sailing masters?



1 English

2 A. No, in the restricted area from
3 Port Weller to Sarnia.

4 Q. When did this occur approximately
5 -- towards the end of April or in May?

6 A. I would say the first lot went
7 towards the end of April, yes.

8 Q. Then you say others went in?

9 A. Well, it came that there was a
10 time that due to injunctions and everything else
11 everybody could see they were hitting their head
12 against a wall and you might just as well, if you can't
13 beat them, join them.

14 Q. Finally how many were employed
15 between Port Weller and Sarnia?

16 A. I think somewhere around 30 that
17 year. I am not sure of the exact number.

18 Q. What was the effect on the Associ-
19 ation?

20 A. The Association was completely
21 demolished.

22 Q. Has the Association after that
23 time carried on its activities?

24 A. No, I do not think so; it has
25 never carried on its activities.

26 Q. Did you go to work under the
27 conditions which were offered to you in the first
28 telegram?

29 A. No, we went to work on a day to
30 day basis, \$40.00 per day remuneration.



1 English

2 Q. For each day you were aboard a
3 ship?

4 A. No, for each day that you were
5 there.

6 Q. During the season for each day
7 of the season?

8 A. Yes.

9 Q. Who was paying you?

10 A. The Shipping Federation of Canada.

11 Q. I understand that each man
12 received \$40.00 per day during the whole season; is
13 that correct?

14 A. That is correct.

15 Q. Do you know how long the season
16 was that year -- approximately what period was covered?

17 A. I think it would be from about
18 the 16th April, I suppose, until somewhere around
19 about the 6th or the 7th December. The ships were
20 quite late getting out that year, if I remember.

21 Q. I think you had received the
22 first telegram on the 16th April and people had
23 refused to work almost until the end of April. Did
24 you receive retroactive pay from the Shipping Federation
25 for the time you were refusing to work in the season?

26 A. No, I am afraid they were not that
27 generous.

28 Q. In your particular case, for
29 instance, at what time did you go to work?

30 A. 15th June, I think.



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Stevenson, dir 14442
(Lalonde)

1 English

2 Q. Were you paid from the day you
3 started to work?

4 A. Yes.

5 Q. You did not receive any back pay?

6 A. No.

7 MR. BRISSET: Did you expect any?
8 (The Witness laughs)

9 MR. JACQUES: Did you ask any?
10 (The Witness laughs)

11 MR. LALONDE: Q. The system
12 was carried on for the whole year?

13 A. For the whole year, yes.

14 Q. Do you know what happened to the
15 others who were not employed?

16 A. They had a tough time.

17 Q. Were they employed as sailing
18 masters on the open waters of the lake or ---

19 A. No.

20 Q. There were no sailing masters
21 operating that year?

22 A. No.

23 Q. I would like to proceed to
24 paragraph 3 of your brief. You say that in 1959 the
25 Department took over from the Shipping Federation and
26 issued an advertisement for pilots?

27 A. That is correct.

28 Q. Do you mean to say that all the
29 pilots who were employed in the previous year had
30 to answer this advertisement and start all over again?



English

A. Oh, yes.

Q. How many men were employed in Port Weller/Sarnia in 1959, do you know?

A. Twenty.

Q. I thought you said there were about 30 men the previous year; is that correct?

A. That is right.

Q. You mean to say there were ten other men left out of a job in 1959 at the beginning?

A. Oh, yes; all the men who were working the year previous did not necessarily get a job amongst the twenty.

Q. You remember quite clearly that the number of pilots was reduced compared to the previous year?

A. Yes, and there were 40 ships outside awaiting pilots at the time too.

Q. A document was filed yesterday being a photocopy of an advertisement in a newspaper for pilots?

A. Yes; I have a copy of that same document.

Q. Yes, I see. Then I presume that you applied for the job?

A. Yes.

Q. What kind of examination was there -- or was there any examination?

A. To my way of thinking it was a very poor examination.



English

Q. Would you explain to the Commission what happened for you to get the job?

A. On my part on that notice it said "Port Weller/Sarnia". About the only question I was asked was, "Have you been in Georgian Bay?" and I said "No". This was outside the area to me that the very ad was made for.

Q. Were you asked other questions than that?

A. Very few. I think the whole thing lasted about two minutes.

Q. Who was sitting on that Board?

A. There was Captain N. S. Johnston, Captain Jones and Captain Morrison, and another gentleman whom I am afraid I do not know.

Q. After you had passed that examination, what kind of information did you get from the Department? Were you informed immediately that you were accepted as a pilot?

A. No; I think I was informed that I was not in the twenty. However, I was on the roster.

Q. You were not in the twenty?

A. I was not in the twenty but I was on the roster.

Q. For future appointments?

A. For future appointments, yes.

Q. I see. Were you asked at that examination -- can you remember any questions about ship handling in the District itself?



English

A. I was not asked any questions as regards ship handling. My references were never looked into.

Q. Your what?

A. My references from the different companies I had were never looked at.

Q. Had you filed them before or brought them with you?

A. I brought them with me. I think the ad said to bring various references that you have. I brought them and I was not asked for them.

Q. You were not asked for them?

A. No.

Q. Did you tell the jury that you had them with you?

A. I had them but I was not asked for them.

MR. JACQUES: You didn't offer them?

THE WITNESS: I didn't offer them, no.

MR. LALONDE: Q. You said you were not asked any questions about ship-handling?

A. None whatsoever. I was not asked any questions about the District.

Q. You were not asked any questions about the District?

A. No.

Q. To your knowledge had there been



1 English

2 other pilots in the District who were given the same
3 type of examination?

4 A. I don't know. I felt quite
5 incensed about the whole thing at the time and I still
6 do even today.

7 Q. So you were on the roster. Did
8 you remain on the roster for a long time?

9 A. Let us say, at the opening of the
10 season there were forty ships waiting for pilots and
11 there were more coming in every day. I had frequent
12 phone calls to me. However, I am afraid I got stubborn
13 on being employed on a temporary basis with none of
14 the fringe benefits, you might call it, and I felt
15 that this was a very insecure form of employment. I
16 had several phone calls from the dispatcher at that
17 time and he said that I was making a mistake in not
18 coming to work, that he was sure that with the volume
19 of shipping we would be put on a permanent basis.

20 Q. Who was the dispatcher at the
21 time?

22 A. Captain Crawford.

23 Q. And did you accept his invitation
24 to join as a pilot?

25 A. I went to work on the 15th of May,
26 a month later.

27 Q. Had you been working at all during
28 the month?

29 A. Yes; I was working at Pyke
30 Salvage.



1 English

2 Q. How many other pilots were
3 employed like you subsequent to the beginning of the
4 season -- pilots who were on the roster at the
5 beginning of the season and who were called later?

6 A. About 20 or 25.

7 Q. And did Captain Crawford tell
8 you that he was requesting you as a pilot under
9 instructions from the Department of Transport?

10 A. I don't know where he got the
11 instructions from. I don't know. But I know he was
12 rather desperate to get the ships moving.

13 Q. Did you sign any document when
14 you joined?

15 A. None whatsoever.

16 Q. Did you receive any written
17 notice from the Department that you were appointed
18 a pilot?

19 A. No.

20 Q. Did you receive a licence at
21 the time -- a new licence for the District?

22 A. I don't think so. I think it was
23 the next year.

24 Could I look at my records?

25 Q. Yes.

26 A. It was not a licence; it was
27 merely authority to pilot.

28 Q. Did you receive any such document
29 in 1959 when you were appointed?

30 A. No; 1960.



1 English

2 Q. And do you mean to say you were
3 piloting for the whole of 1959 without having any
4 written document from the Department?

5 A. That is right.

6 Q. Do I understand, then, that you
7 finally agreed to come into pilotage and in the Port
8 Weller-Sarnia District, as a temporary pilot for 1959?

9 A. That is correct.

10 Q. You said, and I notice that you
11 stated in paragraph 3 of your brief, that the pilots
12 were employed at a rate which was \$250.00 less than
13 the Shipping Federation were paying?

14 A. That is correct.

15 Q. You were comparing it with the
16 previous year, were you?

17 A. Yes, with the previous year.

18 Q. Was that...

19 A. That should be \$250.00 a month
20 less.

21 Q. \$250.00 a month?

22 A. Yes.

23 Q. How much did you receive, then?

24 A. That year?

25 Q. Per month? Comparatively, what...

26 A. At 30 days a month this comes
27 to \$1,200.00 by the Shipping Federation, yes; at
28 \$40.00 per day.

29 Q. And how much did the Department
30 pay you?



1 English

2 A. \$950.00 per month.

3 Q. Was that the same salary for
4 all the pilots in the District?

5 A. Yes.

6 Q. You say, however, that some fringe
7 benefits were added in favour of some of the pilots.
8 What do you mean by that?

9 A. Well, the ones who were taken
10 on as full time -- there were 20 pilots taken on
11 as full time pilots, and they received the fringe
12 benefits, sick leave, etc., and hospitalization;
13 the ones who were temporary received none of that at
14 all.

15 Q. Did you have any contribution to
16 the Civil Service Superannuation Fund?

17 A. No. However, last year I
18 received a bill -- I elected to pay that year in a
19 lump sum and I received a bill for that and I paid it.

20 Q. You received a bill for last
21 year in order to cover you for 1959?

22 A. Yes.

23 Q. That is, the bill representing
24 money you had to pay in order to be covered?

25 A. In superannuation for 1959, yes.

26 Q. How did the operation go during
27 1959, generally?

28 A. I don't know whether chaotic
29 would be the right name for it or not.

30 Q. You say in paragraph 3 that in 1960



1 English

2 this situation was rectified and salaries were again
3 brought up to \$1,200.00 a month?

4 A. That is correct.

5 Q. For how long did you salary rest
6 at that amount? That was 1960. Did you get the
7 same salary in 1961?

8 A. Yes, we got the same salary in
9 1961.

10 Q. And in 1962?

11 A. 1962? I am not sure now. In
12 1961 we got \$1,340.00 a month -- in 1961; I am not
13 sure; I am just wondering

14 Q. I have in the record here a
15 letter to the effect that from April 1st, 1962 -- this
16 is a letter written to myself by Mr. Alan Cumyn -- a
17 letter of July 13, 1962 -- to the effect that the
18 pilots in the Port Weller-Sarnia area would be paid
19 at that rate of \$1,380.00 per month, effective April
20 1st, 1962.

21 A. Yes.

22 Q. Did you have an increase between
23 the \$1,200.00 and the \$1,380.00?

24 A. Yes, we had an increase to
25 \$1,340.00. It must have been in 1961, I think.

26 MR. LALONDE: My Lord, I am
27 willing to file this letter, but it is also pretty
28 well public information. We might as well file it
29 as I have referred to it.
30



1 English

2 ---EXHIBIT NO. 1046: Letter dated July 13, 1962, from
3 Mr. Cumyn to Mr. Lalonde.

4 MR. LALONDE: Now, in paragraph
5 4 you mention the international agreement of 1961
6 which made several changes in the pilotage on the
7 Great Lakes. You say that this new system created
8 some problems, particularly that the American pilots
9 came in under the basis that they received the
10 money they earned less operation expenses which were
11 deducted from their earnings by their Association --
12 that this caused a difference in pay earnings between
13 American and Canadian pilots "...who are doing the
14 same work and who are all dispatched tour de roll..."
15 Would you elaborate on what problems this caused,
16 or causes, and in what way it affects the operation
17 of pilotage in the District?

18 A. Well, this, of course, is the
19 two different systems -- they are very abrasive to
20 each other. Let us say, the Americans are private
21 enterprise and we are nationalized. It is a case of
22 nationalization versus private enterprise.

23 Q. Apart from the general statement
24 in this respect, how does this show up in the actual
25 operation of pilotage in the District?

26 A. Well, we are on salary and we want
27 to do, let us say, less work for the money. Obviously
28 the more work we do the less pay we are getting. The
29 more the Americans do the more pay they are getting;
30 and the less work we do the more pay we are getting.



1 English

2 Q. And has this difference in the
3 operation shown itself -- has it created an actual
4 problem between the two groups locally -- the pilots
5 in the District?

6 A. Yes. As for being on tour de roll,
7 one of the things, taking it from an American's point
8 of view -- suppose we have a ship to bring down from
9 Sarnia and he has been at the bottom of the list. He
10 goes out to bring the ship into Sarnia. The fee is
11 \$50.00, and he pays \$25.00 for the pilot boat. He
12 probably made \$25.00 out of the deal. Well, he goes
13 back to the bottom of the list again. This doesn't
14 suit at all. He would like to see the Canadians do it.
15 But it is tour de roll, and the Canadians say No, it
16 is not their turn. He is certainly not making too much.
17 He might be there two or three days to make \$25.00.

18 In another case we say: "Well, we
19 would like to set up...." Even in the case of Lock 7
20 last year -- this change at Lock 7 -- the Americans
21 would not go along with that until they received more
22 money. They said they couldn't afford to do this.

23 Q. I understand in that case it
24 didn't make any difference

25 A. It doesn't make the slightest
26 difference at all.

27 Q. ...except that it made your shift
28 shorter?

29 A. Yes; but these differences bring
30 in bad feelings, as you can see -- especially the



1 English

2 difference in remuneration. This is probably jealousy
3 on the part of the Canadians towards the Americans.
4 This is probably one of the reasons for the bad
5 feelings.

6 I don't see how these two
7 different systems can work, because here you have 60
8 men doing the same job with two completely different
9 sets of remuneration; and where one is set up on a
10 salary you want working conditions. The Americans
11 don't want working conditions; but if they do have
12 peak periods they have been remunerated for it.

13 Q. Have you experienced, as being
14 a representative of your group -- your Corporation --
15 for two years -- have you experienced in your dealings
16 with the American pilots or the government, where
17 you see the effects of this different basis of
18 remuneration?

19 A. What are the effects of that?

20 Q. Have you experienced the effects
21 of this different basis of remuneration in your dealings
22 with the American pilots, for instance? Did you have
23 problems with the American pilots' representatives
24 about working rules or about other aspects of the
25 operation because of this?

26 A. We are not allowed any say on
27 working rules. Individually we get along with the
28 Americans, I would say, very well. I class -- in fact,
29 all of us -- all of them, myself, as my friends; but
30 if we are not allowed any say in the making of working



1 English

2 rules....Sometimes the only way we get to know as
3 to what is going to happen is information passed to
4 us by the Americans. This doesn't set very good
5 relations with the Department of Transport, that we
6 have got to get our information from the Americans;
7 and this is where, I would say, most of our information
8 has come from at various times.

9 Q. In paragraph 5 of your brief you
10 say: "In May, 1961 the system of trips on the lakes
11 for District #2 pilots were set up without consulting
12 the pilots."

13 Were there any previous
14 consultations either with you personally or with
15 representatives of the pilots locally about the
16 establishment of the system, to your knowledge?

17 A. There was no representation
18 whatsoever.

19 Q. When did you first hear that
20 you would be called upon to take ships from Cape
21 Vincent as far as to Detour and Chicago?

22 A. When we came to start work in
23 the spring of 1961, on 16th April.

24 THE CHAIRMAN: You say in your
25 brief that this put an impossible work load on the
26 pilots, which was repeated in 1962. Was it also
27 repeated in 1963, or was it corrected?

28 THE WITNESS: Well, sir, in 1963
29 they had more men employed on the lakes and it was not
30 bad. There were 16 men above Sarnia employed on the



1 English
2 lake and six below; but in 1961 there were no men
3 employed on the lake and in 1962 there were only a
4 very few. This meant that -- I think we had 48 pilots
5 in 1961 and sometimes we had as many as 20 outside
6 of the District.

7 THE CHAIRMAN: But the same
8 requirement was kept in 1963 as in 1961 and 1962?

9 THE WITNESS: Oh, yes.

10 MR. LALONDE: But in 1963
11 did you have less trips outside the District than
12 in previous years?

13 A. Yes. In 1963 I was only outside
14 the District myself three times.

15 Q. And in 1962 how many times were
16 you outside, do you remember?

17 A. I really couldn't say. I was
18 out a good many times.

19 THE CHAIRMAN: Would this be
20 because there were less ships that had not made two
21 trips on the Great Lakes?

22 THE WITNESS: No. We find,
23 actually, each year they are about the same number.
24 In fact, there were probably more last year, and all
25 the time -- every year -- it is a bigger class of
26 ships that comes into the lakes; and as to the
27 Masters that have been twice in to the lakes -- I
28 presume they must stay on their ships and new masters
29 are coming in.

30 MR. LALONDE: Q. While we are on



English

this question of trans-lake work, were you in this room when Captain Albinson explained the various duties he was called upon to perform on the Lakes when he was on a trip, and also the types of work he would be working on the Lakes?

A. Yes.

Q. What is your own experience in this respect?

A. Well, probably it is one of the things I always tell them when I go down, "If you need me, you know where I am". I usually tell them, "If it is a matter of a phone call from the agent, berthing orders, tell him to call back in about eight hours' time after I have had a sleep." Or, "If it is anything pertaining at all to navigation, give me a call".

Q. Do you have the same practice of being called on the bridge, let us say, an hour before you reach --

A. I prefer to be up at least five miles before we get to Southeast Shoal so that I can be fully familiar with the situation before you get into traffic.

Q. Do you follow the same practice with harbours?

A. Oh, yes. I always like to be showered and fresh. I hate getting out of bed and starting work.

Q. As far as other points on Lake Huron and Lake Michigan are concerned, do you follow a



1 English

2 similar practice to that followed by Captain Albinson?

3 A. Yes, very similar.

4 Q. To your knowledge is this the usual
5 practice done by pilots?

6 A. Yes. We are there, after all, to
7 give the ship a service, and that is what we try to do.

8 Q. Captain Albinson gave an explanation
9 about paragraphs 6 to 9 in the brief, and I would like
10 to move on to paragraph 10.

11 THE CHAIRMAN: The first sentence
12 we have heard at various places.

13 Q. What basis do you have to state,
14 Captain, that your working conditions in this District
15 are the worst in any pilotage District in Canada?

16 A. I think the Department's statistics
17 will show that we put in more hours than any other
18 pilots in Canada. We are not getting the money for it
19 either. I think the two together make it the worst.
20 After all, you don't mind working if you are getting
21 the money, but if you are not getting the money, it
22 is kind of rubbing salt into a wound.

23 Q. Did you yourself keep a record
24 of your hours of work during the last few years?

25 A. I have it drawn up, but it is
26 merely in pencil and it is not typed out. I can at
27 some time have it typed out.

28 Q. Would you mind getting this
29 information ready for the Commission; not today, but
30 the next time you come before the Commission?



English

A. Yes, I will do that.

Q. For what years do you have that information?

A. 1962 and 1963.

Q. Did you have an opportunity of comparing the Department of Transport statistics in other Districts with your own District?

A. The one year we had the opportunity, we found that the Department were not being at all truthful in these statistics.

Q. In what sense? What do you mean?

A. They only had us down as working when we actually worked inside the District. That year I don't know how many trips I made to Chicago. As Captain Albinson pointed out, to Sturgeon Bay, Chicago, Calumet River, Milwaukee and all the various places, and as far as the Department were concerned once we passed Port Huron light vessel we put our feet up.

Q. What year was that?

A. This is 1962, for the year 1961. I think they had us down as 5.2 hours. However, myself, I know I had been out of the District a total in that year, 1961, I think, of about two months, so this was according to the Department two months which I didn't work.

Q. Did you discuss this matter with the Department?

A. Yes, we discussed this matter with the Department. I think Captain Slocombe saw our point.



1 English

2 I don't know about some of the other officials, but
3 I know he agreed it was not right.

4 Q. To your knowledge were these
5 figures corrected subsequently?

6 A. I don't think they were corrected.
7 I don't know for sure. I don't think so.

8 Q. You complain also in paragraph 10
9 that you have no say in your working conditions. What
10 do you mean by this?

11 A. Well, obviously the first way
12 to improve working conditions is to set up working
13 rules. This we have not been able to have any say
14 in whatsoever.

15 The only way we can get our
16 say is almost going in the back door and trying to
17 persuade some of the Americans how we would like
18 things -- American pilots to try and press it for us,
19 but that is really a going in the back door method
20 to try to get something done.

21 Q. I believe Captain Watson, when
22 he gave evidence before this Commission, declared
23 that he had attended a meeting of your Corporation
24 either at the end of 1961 or the beginning of 1962.
25 Also I think he said he had a meeting with officers
26 of your Corporation?

27 A. Yes.

28 Q. Once I think, on the working
29 rules. Were you present at those meetings or did these
30 meetings take place?



1 English

2 A. I, myself, have many times gone
3 to Captain Watson and expressed my opinions.

4 Q. Yes?

5 A. However, this is different from
6 a body sitting down and drawing up working rules.

7 Q. Yes. Did you actually participate
8 in the preparation of any working rules in the District
9 at any time?

10 A. No, never.

11 Q. You also declare that in your
12 opinion no one in the Department of Transport is
13 willing to put his signature to any document of signifi-
14 cance for fear of censure from above. What basis do
15 you have for such a statement?

16 A. The only time we have ever had
17 anything in writing was the time when you were with
18 us in Ottawa. Even then I don't think it was very clear
19 as to what was done. What we discussed and what they
20 finally did I think was very small. Also I think this
21 business even of drawing up the limits of the Welland
22 Canal --

23 Q. What do you mean by this?

24 A. Well, everywhere else in the
25 Pilotage Act there are limits of the pilotage District.
26 The Welland Canal is certainly -- they don't draw any
27 limits as to what the limits of the pilotage District
28 of the Welland Canal are.

29 Q. Yes?

30 A. You would think somebody could say



1 English

2 "This is it", and put his signature down. Why doesn't
3 he?

4 Q. I notice you have a recommendation
5 to this effect in your brief. What problem does this
6 create, the fact you do not have any definitions?

7 A. It means for one thing that ships
8 can say "Well, you are getting off here at Lock 8",
9 and proceed out alone and go into Lock 8, and yet the
10 ship we take out, we pilot them as far as Port Colborne
11 traffic buoy, and coming in the Welland Canal we are
12 called usually an hour before arrival at the buoy so
13 that we are up from about five miles before and in.
14 I don't know, as the present set-up is, tariffs are
15 no concern of the Canadian pilots. However, if I was
16 an American pilot I would be demanding extra pay from
17 the Port Colborne traffic buoy to Lock 8 and vice versa
18 if this is going to carry on.

19 Q. You give an example of two
20 instances of pilots in paragraphs 11 and 12 who were
21 penalized subsequently to having worked extremely long
22 hours. We will leave these paragraphs aside for the
23 time being and proceed with paragraph 13.

24 You complain that the rules --
25 joint working rules and dispatching rules, are they
26 the rules you are referring to?

27 A. That is correct.

28 Q. You complain they are drawn up
29 without any consultation with you. What problem does
30 this create? If the rules are satisfactory, how does



1 English

2 this create any problem?

3 A. I don't think the rules have been
4 satisfactory. The Blue Book, the two Blue Books, one
5 was handed out and the other one hasn't been able to
6 be in effect. They say it is changing conditions. I
7 don't think it is just changing conditions. It was just
8 plain impractical, some of the things in the Blue Book,
9 and the second Blue Book obviously must have been very
10 impractical that it was never dished out.

11 I think the pilots know what the
12 problems are, and also what the problems are going to
13 be. I don't know who in Ottawa spent time drawing
14 them up, but I think it was just a waste of time of
15 the taxpayer's money doing this.

16 Q. In paragraph 14 you state that
17 six Canadian pilots left the District because of
18 intolerable working conditions. Would you list these
19 pilots you are referring to here?

20 A. Yes. Captain Dishaw in 1959, and
21 Captain MacIntosh.

22 Q. Yes?

23 A. Captain Milne, Captain Lawson,
24 Captain Robinson.

25 Q. That is five. Captain McCutcheon?

26 A. Captain McCutcheon, that is right.

27 Q. How do you know they left the
28 pilotage service because of the working conditions?

29 A. I will put it another way. Can
30 you tell me any other District in Canada where six pilots



1 English

2 have left the job in this time?

3 Q. Did these men leave the job in
4 order to retire or get a better job, financially
5 speaking?

6 A. I don't think other than one now
7 who has probably a better job, I don't think any of
8 them got a better job.

9 Q. When you say "a better job", you
10 mean financially speaking?

11 A. Financially speaking, yes. I don't
12 know. There is one man, he is sailing one of the big
13 upper lakers now. I should imagine he is getting better
14 remuneration. I wouldn't like to swear to it.

15 Q. However, he is now sailing on a
16 lake ship?

17 A. Big upper laker.

18 Q. Which means he has the inconvenience
19 of travelling most of the year, the season, over the
20 lakes?

21 A. Yes.

22 Q. Is he travelling also in the St.
23 Lawrence River?

24 A. Yes.

25 Q. Of these men you have mentioned,
26 did any of them, to your knowledge, resign for health
27 reasons?

28 A. Well, I know one of them, Captain
29 Lawson, you might say it was health reasons, but I
30 think a lot of it -- you can't say that a man who has



1 English

2 been sailing for years just suddenly cracks up. There
3 has got to be a reason for him cracking up, and I think
4 it was the work load more than anything else.

5 Q. Now, you have referred to an
6 instance in 1961 of one pilot who died on the job. You
7 state that this man had been piloting constantly for
8 over 700 miles. Where do you get your information in
9 this respect?

10 A. I was speaking to the Master of
11 one of the other ships -- this man has been Master of
12 the Fir Hill at the time that it happened.

13 Q. You say the name of the ship
14 where this happened was?

15 A. I think it was Fir Hill.

16 Q. And you said you spoke to the man
17 who was Master of the ship on which the incident
18 occurred?

19 A. Yes, I was looking up in my records,
20 and there were so many Hill ships up that year that
21 I can't be sure just which one it was.

22 Q. Are you convinced that the man
23 you spoke to was the man who was aboard the ship where
24 the pilot died on duty?

25 A. I am quite convinced he was.

26 Q. Yes. The information which you
27 report in paragraph 14, is that information you obtained
28 from that Captain at the time?

29 A. Yes. I think this could be
30 verified by the man who relieved him, although I don't



1 English

2 know just who that man was who took the ship from
3 Lock 7 down.

4 Q. You mean to say the pilot who
5 relieved the pilot who had died?

6 A. Yes.

7 Q. But the Master whom you met
8 asserted that the pilot who died had been effectively
9 on duty for all that time?

10 A. He said he had been up -- he was
11 up since Milwaukee and he wasn't at all surprised. He
12 said a few more of us would be going like that too
13 if we don't cut it down.

14 MR. BRISSET: Isn't that hearsay
15 evidence, My Lord?

16 MR. JACQUES: You should bring
17 the Master.

18 MR. LALONDE: If the Commission
19 wants to pay the fees of the Master before this
20 Commission I will bring the Master at any time. If the
21 Master comes during the course of the year I will
22 certainly manage to do so too.

23 Q. Was the pilot who died entitled
24 to any pension from the Department?

25 A. No.

26 Q. Did you check into this matter?

27 A. I did not, as I don't know the
28 man's widow, but some of the men who live near him I
29 think knew of the --

30 Q. Excuse me?



1 English

2 A. Some of the men who lived close
3 to him and would be close to the family know the
4 situation.

5 Q. To your knowledge there was no
6 pension paid from the Department?

7 A. No, I think it was just money he
8 had paid into the pension fund was returned, plus
9 4%.

10 Q. When had he joined pilotage under
11 the Civil Service system?

12 A. Joined in April, 1959.

13 Q. So he had been only for two years?

14 A. Yes.

15 Q. I would like to pass to paragraph
16 15. You refer at the end of paragraph 15 to the
17 eagerness of the Department to make a pilot unavailable.
18 What do you mean by this?

19 A. If the pilot does not answer his
20 phone he is marked "unavailable". If he happens to
21 be out anywhere at all; even if he is in and he is
22 so called..... I am afraid I had one case of that last
23 year where it was the peak period and I was sitting in.
24 I knew my twelve hours were up and I expected to be
25 called at any moment. I was sitting almost beside the
26 phone.

27 However, it was almost three hours
28 later the phone finally did ring and I was told I was
29 unavailable. I wanted to know why and he said, "Well,
30 I have dispatched three men ahead of you", he said.



1 English

2 Well, I said, "I have been in all the time and this
3 phone has not rung." He said, "Well, I have tried
4 three different times." He got a little bit hostile
5 and I said -- which I am quite sure the man had been
6 doing; he had been phoning the wrong number. I have
7 never had any other complaints about people not being
8 able to get me. I think he had been phoning the wrong
9 number.

10 I got pretty hot under the collar
11 and told him he had better just not mark me unavailable
12 otherwise I would not take one day off; I would take
13 five days off and I would be pounding on a few doors
14 in Ottawa too during those five days.

15 Q. Were you off duty for five days
16 or did you lose one day's pay?

17 A. I said: "This is ridiculous; you
18 are going to book me off when you are short of pilots."
19 He was going to have to anchor ships. I said: "This
20 is all utterly ridiculous." He said: "You had better
21 go out and get that ship rather than putting this to the
22 test."

23 Q. I understand this was one case that
24 was settled on the spot?

25 A. This was one case that was settled
26 on the spot, yes. There are a good many that are not
27 settled on the spot.

28 Q. You say that the fact that no matter
29 how much work a pilot does he receives no extra remuneration
30 for this and that that does not lend itself to



English

efficient pilotage. You say in particular that it stifles initiative and tends to bring a bureaucratic stagnation. How does this stifle initiative in your experience?

A. Well, for one thing you may have a small ship down the Canal. If you are under private enterprise, you might take a small ship down, which is not so hard on the nerves and a lot easier than bringing down one of the big ones. If the ship is out at anchor and you get off at the right time, if you were off somewhere at about midnight, I am quite sure you would be quite willing to take another ship off at eight o'clock in the morning when you have had a sleep.

As it is now you are not going to make anything extra for it and therefore you are going to just get your twelve hours off, if you can possibly get your twelve hours off, or if you can get 24 hours, you would have your 24 hours off between ships. If you are going to get paid for it I am sure this would be a lot better for the ship owners. It would save the ship owners. By this I mean detention of ships, not detention of pilots. If this was under a private system I do not think anywhere near the number of ships would have been waiting.

Q. In what way does the present system lend itself to bureaucratic stagnation?

A. I think this way we are getting bogged down under rules and regulations and I think it will surmount more. Also I just do not know how many are



English

now over the head of the pilots. We have directly Captain Watson; over him is Captain Seeley. I do not know who is over him but it finally goes to Captain Jones and Captain Slocombe, Mr. Cumyn, I do not know who all else. I think we are just getting bogged down in Ottawa. Everybody is throwing a little finger in it. They have their ideas about what the regulations should be.

Q. Are you called upon to do paper work because of your present status -- extra paper work?

A. No, we are not, but I think the dispatchers at the pilot office are. The only thing we do is make out our expense accounts, which are occasionally returned because we did not put the time we got off the ship on.

Q. On retirement and pension you have a chapter of a more technical nature. The way I understand it is that you state that for pension purposes you are calculated as being working only roughly nine months out of twelve?

A. Yes.

Q. And this is the grievance you have in this chapter, that this would take you, in order to make, let us say, 24 months, more than two years; is that it?

A. Yes, that is correct.

Q. Have you discussed this matter with the Department?

A. Yes; this matter has been discussed



English

with the Department. I discussed it with Captain Watson, Captain Tully, and I discussed it too when he was in Ottawa. Apparently they were told the same thing. I think even Captain Watson had discussed this when he was in Ottawa with them. He was told the same thing there.

However, through the efforts of one of our Directors, I think this has been amended. He certainly pursued it and he has found that it is different. This is another thing where I don't think anybody in the Department really knows what is going on. You have to really pursue many channels before you really find out.

MR. LALONDE: I would like to file, My Lord, copies of a series of letters. I do not think it will be necessary to have the witness identify these documents. They are an exchange of correspondence between Captain George E. Beatty.

Q. Is he the Director you referred to?

A. Yes, one of the Directors.

MR. LALONDE: And officials of the Department of Transport in connection with pension funds and superannuation. The latest letter amending the previous interpretation is dated February 26th, 1964. Through various representations starting in particular from April 16th, 1963, the information from the Department to Captain Beatty was that his pension would be \$141.66 per month. Then it went up to \$168.66 per month. Finally the third interpretation was that the pension



English

would be approximately \$253.00 per month.

---EXHIBIT NO. 1047: Exchange of correspondence between Captain George E. Beatty and the Department of Transport.

THE CHAIRMAN: Are you going to change the subject now?

MR. LALONDE: Yes, My Lord.

THE CHAIRMAN: We will recess for ten minutes.

---SHORT RECESS

MR. LALONDE: Q. Captain Stevenson, you state at paragraph 18 that Department officials have even added the government's contribution to the pension fund to the pilot's salary and considered this as part of his gross salary. What evidence do you have to that effect?

A. This is purely for statistics, gross salary for statistics.

Q. Yes?

A. I was given a copy of a letter which I think was sent to Ottawa from Captain Watson concerning our earnings and it was on there too.

Q. I have here a document entitled Pilotage Operations 1963, Port Weller Pilot Office. Could you identify this document?

A. Yes, that is the one.

Q. How did you obtain this document?

A. Well, I was discussing the matter of the superannuation with Captain Watson on this matter



English

and he said, Yes, that he had sent it in and he did not agree with this either. He gave me this to show that he had sent this and this was on it.

Q. I notice that on this report there is a statement that at present a pilot in this District receives salary and benefits under full time (eight months' services); salary eight months at \$1,380.00 -- \$11,040.00?

A. That is correct.

Q. That is before, I understand, you are deducted $6\frac{1}{2}\%$ for your pension fund; is that correct?

A. That is correct.

Q. Then there is another figure appearing as superannuation benefit, \$720.00. I understand that this would be the government's contribution, would it not?

A. That is the government's contribution, yes.

Q. Then it has "Travel Allowance (minimum) \$700.00"?

A. That is right

Q. Do you receive any travel allowance as such which would amount to that figure or is it the general cost of travelling expenses which you charge to the government during the year?

A. Those are the travelling expenses which we charge to the government. Actually we pay out and we get it back.

COMMISSIONER SMITH: Excuse me,



1 English

2 Mr. Lalonde; I would like to get clear on one point.

3 Do I understand, Captain, your
4 contention to be this, with regard to the contribution
5 to the superannuation fund, that ordinarily the govern-
6 ment contributes half in the Civil Service of the total
7 amount required which would be, according to these
8 figures, 13%, that in this case the government is not
9 contributing anything because the $6\frac{1}{2}\%$ which goes into
10 the superannuation fund is actually money earned by
11 the pilot which is in the hands of the government at
12 Ottawa? Is that the position?

13 THE WITNESS: Mr. Smith, what this
14 is -- each year the government has a figure that they
15 claim is a surplus from the pilots. The pilots'
16 earnings for the Department, they have this -- their
17 gross earnings. When everything is off they also take
18 the $6\frac{1}{2}\%$ off this pilots' gross earnings; so whatever
19 the surplus is, this is the surplus that is counted.
20 But this is taken off from that gross -- this $6\frac{1}{2}\%$ is
21 taken off this right on the book there.

22 COMMISSIONER SMITH: In other words
23 does it resolve itself into this position, that the
24 $6\frac{1}{2}\%$, the contribution that the government makes to the
25 superannuation fund, is actually money earned by the
26 pilots?

27 THE WITNESS: Oh, yes, it is
28 actually money earned by the pilots, Mr. Smith.

29 MR. LALONDE: I understand, Mr.
30 Smith, that the financial statement to which my friend,



1 English

2 Mr. Jacques, referred the other day includes a deduction
3 from gross earnings of the District which is called
4 fringe benefits of $15\frac{1}{2}\%$, which obviously would include
5 the $6\frac{1}{2}\%$ contribution of the government to the pension
6 fund.

7 THE CHAIRMAN: I think it is
8 earned by the work of the pilots in pilotage dues.

9 MR. LALONDE: Yes.

10 THE CHAIRMAN: And not earned by
11 the pilots in salary.

12 MR. LALONDE: Yes, that is correct.

13 COMMISSIONER SMITH: So your
14 contention is that it is not costing the government
15 anything so far as the support of the superannuation
16 fund is concerned from the government's angle?

17 THE WITNESS: The whole operation is
18 not costing the government a cent; in fact they are
19 making --

20 COMMISSIONER SMITH: I am speaking
21 statistically about this.

22 THE WITNESS: Yes, it comes off
23 from the gross earnings of the pilots.

24 COMMISSIONER SMITH: Thank you.

25 MR. LALONDE: Q. I notice that in
26 this figure you also have additional holidays 18, \$810.00.
27 Is this money which is paid to you in addition to the
28 \$11,000.00?

29 A. No, that is not money that is paid
30 in addition to the \$11,000.00. They feel that it is



1 English

2 18 days' holiday and therefore it is 18 days' holiday
3 pay instead of the period of work.

4 MR. LALONDE: I would like to file
5 this document as Exhibit 1048.

6 THE CHAIRMAN: You will give the
7 description?

8 MR. LALONDE: Would my friend like
9 to read the title?

10 MR. JACQUES: Pilotage Operation
11 1963, Port Weller Pilot Office.

12 ---EXHIBIT NO. 1048: Pilotage Operation 1963, Port
13 Weller Pilot Office.

14 MR. LALONDE: Q. I would like to
15 come to chapter 6, paragraph 20, where you refer to
16 the Corporation of Professional Great Lakes Pilots.

17 I would like to file a photocopy
18 of the letters patent incorporating the Corporation of
19 Professional Great Lakes Pilots dated December 5th,
20 1961 and a certified copy of the by-laws of the
21 Corporation of the Professional Great Lakes Pilots,
22 under Exhibit No. 1049.

23
24 ---EXHIBIT NO. 1049: Photocopy of letters patent of the
25 Corporation of Professional Great
26 Lakes Pilots dated December 5th,
1961 and certified copy of the
by-laws of the Corporation.

27 MR. LALONDE: I do not intend, My
28 Lord, to go through all the by-laws in detail. They
29 are substantially similar to the general by-law #1 of
30



1 English

2 all the other Corporations which we have seen before
3 this Commission. There may be minor differences, but
4 they are not very important.

5 Q. Would you tell us how many members
6 your Corporation groups at the present time?

7 A. Twenty-five.

8 Q. I am showing you a list. Would
9 you tell us whether this is the list of members of
10 your Corporation at the present time?

11 A. Yes, that is the list of the
12 members.

13 MR. LALONDE: I would like to
14 file a copy of this document under Exhibit No. 1050.

15 ---EXHIBIT NO. 1050: List of members of Corporation
16 of Professional Great Lakes
17 Pilots.

18 THE CHAIRMAN: This is actual
19 members, is it?

20 MR. LALONDE: Actual members.

21 Q. I notice you have three categories
22 of members under your by-laws -- regular members,
23 apprentice members and honorary members. The list
24 I have just referred to, is this the list of regular
25 members only?

26 A. That is the list of regular members
27 only, yes.

28 Q. Do you have any apprentice members
29 in your Corporation?

30 A. No.



English

Q. Do you have any honorary members?

A. Yes, we do have honorary members.

All the members who are retired are honorary members.

Q. The honorary members are all retired pilots?

A. That is correct. Well, I am wrong there. Captain Johnson, who did the work of setting up the Corporation -- we made him an honorary members when it was set up.

Q. You refer to Captain Norman S. Johnson?

A. Captain Norman S. Johnson, yes.

Q. And I notice that you have a Board of Directors of five members. I am showing you a document entitled Directors of "Corporation of Professional Great Lakes Pilots." Is this the list of the members of the Board of Directors of your Corporation since the beginning?

A. Yes; the 1963 members are also the 1964 members. This was done by acclamation at the last general meeting because the members felt that due to the Royal Commission they should not change the Directors who had been doing the work before the hearings.

Q. And I notice that there is mention in 1961, January, of Provisional Directors?

A. That is correct.

Q. However, the letters patent were issued December 5, 1961. Do you mean to say that the



1 English

2 Provisional Directors of your organization were elected
3 in January, 1961?

4 A. No; they were elected in December,
5 1961.

6 Q. Would you make the correction on
7 this Exhibit so that the date reads correctly? Instead
8 of January put December, 1961.

9 A. Yes.

10 ---EXHIBIT NO. 1051: Document entitled "Directors of
11 Corporation of Professional Great
12 Lakes Pilots."

13 MR. LALONDE: You have annual
14 meetings of your association?

15 A. Yes, we have annual meetings.

16 Q. Do you have Board of Directors'
17 meetings?

18 A. Whenever we can get together.
19 This is extremely difficult in the summer or, let us
20 say, in the working season due to their being pretty
21 well spread out over the District.

22 Q. Do you keep minutes of those
23 meetings?

24 A. Yes.

25 Q. In the list which was provided
26 for the Commission I notice that your name is first
27 at the top. That means you were the President since
28 1961 -- December, 1961 as a Provisional Director and
29 in 1962 you were the President?

30 A. Yes.



1 English

2 Q. The second name -- is that the
3 name of the Vice-President?

4 A. Yes, that is the name of the Vice-
5 President.

6 Q. And is the Secretary-Treasurer
7 a member of the Board of Directors?

8 A. No.

9 Q. Who is the Secretary of the
10 association at the present time?

11 A. The Secretary is Mrs. Howie.
12 Captain Howie was a pilot who died and he had been
13 our Secretary-Treasurer, and Mrs. Howie said she would
14 carry on with it for the time being anyway.

15 Q. Do the Directors receive any
16 remuneration for their function?

17 A. None whatsoever.

18 Q. Are they allowed travelling
19 expenses?

20 A. Yes, they get travelling expenses.

21 Q. Are these actual travelling
22 expenses incurred, or so much per day?

23 A. No, these are actual travelling
24 expenses incurred -- whatever the expenses are.

25 Q. Does the Secretary-Treasurer
26 receive any remuneration?

27 A. No.

28 Q. Have there been ballots on the
29 election of Directors, or have they always been
30 unanimous?



1 English

2 A. Yes, there have been ballots.

3 Q. I understand that there are 25
4 members. In the by-laws at the beginning the Corporation
5 declared that there were 25 persons members of the
6 Corporation at the time. Are these all the same persons
7 that they were at the beginning, or has the number
8 changed -- have the persons changed?

9 A. The persons have changed. Various
10 ones have retired and new members have come in.

11 Q. Were they duly-appointed pilots
12 or were they pilots who have been active in the District
13 for many years?

14 A. They are pilots who have been
15 active in the District for many years.

16 THE CHAIRMAN: I think there was
17 mention this morning that Captain Beatty was President
18 of the Corporation or the association.

19 THE WITNESS: He is a Director,
20 My Lord.

21 MR. LALONDE: He is a Director
22 of the Corporation.

23 THE CHAIRMAN: I see his name only
24 in 1963 here. He was not in 1961 and 1962; so when
25 you referred to him as a Director this morning, that
26 is only in 1963?

27 THE WITNESS: That is correct.

28 MR. LALONDE: Q. And I understand
29 that in 1964 he is also one of the Directors?

30 A. Yes; and 1964 also.



1 English

2 Q. Could you tell us what prompted
3 the establishment of the Corporation of pilots in
4 your District, and what event occurred in connection
5 with the setting up of this Corporation?

6 A. Well, as I have said, in 1961 I
7 think the working conditions were very bad, and I
8 think many of the pilots were "gripping" -- quite a
9 number of them were "gripping" to Captain Johnson, and
10 he decided that if he could get the men together they
11 could approach Ottawa in a more unified body and
12 probably alleviate this situation.

13 Letters were sent out to all
14 the pilots and they were asked if they would like to
15 join the Corporation. This was done; and cheques
16 were made out in trust to Captain Johnson who stated
17 if he could get 70% of the members then this would
18 be turned over to the Corporation if this was so; if
19 not, the money would be returned to the different
20 members.

21 The 70% apparently was reached,
22 and you were approached to write to Ottawa to get
23 letters patent in this matter.

24 Before anyone was signed you came
25 to St. Catharines and you read the by-laws and
26 instructions -- in fact, you read them twice -- so
27 that everything was perfectly clear to everybody before
28 they signed anything.

29 Q. Were these by-laws read at the
30 general meeting?



1 English

2 A. At the general meeting, yes.

3 Q. When did this meeting take place?

4 A. This meeting would be January 8th.

5 Q. Yes; there was a meeting on
6 January 8th.

7 If I may be a witness here, my
8 recollection is that there was a meeting on January 8th,
9 but I was here in December, 1961; I wasn't here on
10 January 8th, 1962. Will you check your records --
11 although I may be wrong.

12 A. Yes; it is December 1st, 1961.

13 Q. Will you check whether on January
14 8th I was also present?

15 A. Yes, you were present on January
16 8th.

17 Q. Do you recall whether the by-laws
18 were first read in December, 1961, at the first meeting
19 -- the proposed by-laws? Or was it January 8th?

20 A. It was January 8th.

21 Q. Do you know whether members
22 were entitled to ask questions on the by-laws?

23 A. Yes; there was quite a long
24 question period. I think there were many questions
25 asked.

26 Q. Were members invited to sign
27 in the Corporation before or after the by-laws were
28 analyzed and read?

29 A. After.

30 Q. You mentioned that Captain Johnson



English

was very anxious in setting the Corporation up. Was he employed by the Corporation or retained by the Corporation subsequent to the setting up of the organization?

A. No; he was not employed by the Corporation. This was entirely voluntary on his part.

Q. And was Captain Howie elected Secretary then, or later?

A. Captain Johnson was elected....

Q. I should say appointed.

A.was appointed Secretary at that time.

Q. And did he remain Secretary for the whole of the year 1962, or....?

A. No; he resigned and Captain Howie was appointed.

Q. And when did he resign, approximately?

A. I think it was December. I would like just to check on that, if I may.

Q. Would you check, please.

We might proceed and when you have found it this afternoon you may give it.

Now, in paragraph 22 you declare that the Department of Transport officials have fostered another organization and that the Corporation met with constant opposition from the Department. What evidence do you have in this respect for making such a statement?

A. Well, we are the majority, shall we say, party; however, we are always the second one



1 English

2 that comes to Ottawa. They prefer to meet with the
3 Civil Service first.

4 There is also the point, I think,
5 that at our first meeting we had difficulties, and I
6 think they even wrote saying we had to send a letter
7 that you were acting for us; they wouldn't take your
8 word that you were. I think that in itself was one
9 of the things.

10 MR. LALONDE: I would like to file
11 now an exchange of correspondence with various officials
12 of the Department of Transport in connection with
13 meetings in 1962 between the Corporation of Great Lakes
14 Pilots and the Department of Transport officials.

15 These letters go from December
16 29th, 1961 to February 15th, 1962.

17 In summary, these letters relate
18 to the following events: There was a request for a
19 meeting in Montreal at the same time as, or subsequent
20 to, meetings with the various ship owners associations
21 and various corporations of pilots on the river. This
22 request was refused on the basis that the meeting should
23 take place in Ottawa, or, if necessary, in St. Catharines.
24 Secondly, it was stated that the request for a meeting
25 in Ottawa should be made by representatives of the
26 employees themselves; but it was stated "... There is
27 no objection to their being accompanied by you if they
28 so desire"

29 There was then an exchange of
30 letters between myself and officials on the basis that



1 English

2 according to the Quebec Bar Act a lawyer is on his
3 oath of office as to his mandate, and that the policy
4 decision as to the representation of employees applied
5 to representations by other unions, or associations,
6 or federations, but did not apply to representations
7 by counsel. This, of course, was answered, and
8 "... it is considered you could qualify yourself
9 to request a meeting on behalf of these men if you
10 furnished to the Department a written statement signed
11 by the employees themselves or by one or more of them,
12 duly authorized to do so..."

13 That was a letter to me dated
14 February 8th, 1962.

15 I wrote a letter to the Minister
16 complaining about these events, and I think a meeting
17 took place in Ottawa without myself; although I never
18 received any answer to this.

19 ---EXHIBIT NO. 1052: Exchange of correspondence between
20 officials of the Department of
21 Transport and the Corporation of
22 Great Lakes Pilots and Mr. Lalonde
(with dates from December 29, 1961
to February 15, 1962)

23 MR. LALONDE: I might say at that
24 time it was reported I was very fortunate in having my
25 status compared to that of Mr. Hal Banks! That is, by
26 a Department official whose name appears clearly in the
27 records.

28 Q. Now, when you went to Ottawa I
29 presume you had meetings with the officials of the
30



1 English

2 Department; is that correct?

3 A. Yes, that is correct.

4 Q. Did you have any such meetings
5 every year since?

6 A. Yes, we have had meetings every
7 year. 1963 we felt we would probably get on further
8 if we had a joint meeting with the Civil Service and
9 the Corporation. We had, I think, about 95% of the
10 members there.

11 However, they did not wish to
12 meet us. This was against telegrams that were
13 received from Mr. Cumyn saying he would meet with
14 any of the employees at any time. They refused to meet
15 us on the grounds we were not a bona fide registered
16 body.

17 Q. Did you have telegrams from
18 Ottawa? Do you have a copy of that telegram from
19 Mr. Cumyn?

20 A. I have a copy of that telegram.
21 This was sent a good deal previously when the pilots
22 were not too satisfied, that he would meet us at any
23 time.

24 Q. Do you have a copy of this telegram
25 with you? I would like to file the text of a telegram
26 sent to Captain C. E. Tully by Mr. A. Cumyn, October
27 31, 1959.

28 The end of the telegram reads:

29 "Department always willing discuss
30 employee problems with individual employee or with any



English

1
2 of our employees nominated by fellow employees to act
3 as their spokesmen. Any group of employees may be
4 represented by up to two fellow employee spokesmen
5 and meeting can be arranged with departmental officials
6 at mutually satisfactory dates and for latter type
7 meetings two employee representatives may be permitted
8 time off."

9
10 ---EXHIBIT NO. 1053: Telegram dated October 31, 1959
to Captain C. E. Tully.

11
12 Q. Would you elaborate on this set-up
13 which you tried in 1963 of having a joint committee
14 of Civil Service Association representatives and your
15 Corporation representatives together meeting in Ottawa?

16 A. From the very start?

17 Q. Well, how did you organize this?
18 What did you do?

19 A. Well, we sent out, myself and the
20 President of the Civil Service Association, we sent
21 out letters to everyone suggesting that we could probably
22 get further, get much further if we went in a body to
23 Ottawa instead of in two separate groups; that this
24 was splitting members who had actually had the same
25 ideas and were after the same things.

26 We held a meeting at which Captain
27 Andrews was elected Chairman, and he no doubt will have
28 the correspondence governing this.

29 Q. Was Captain Andrews a member of
30 the Civil Service?



1 English

2 A. Captain Andrews was not a member
3 of any organization.

4 Q. So do I understand you correctly
5 in stating that the joint committee attempted to be
6 really representative of all the pilots, even pilots
7 who were not a member of anything?

8 A. Yes, of all pilots.

9 Q. I see. Who was on that Board or
10 joint committee?

11 A. There was Captain Andrews,
12 Chairman, and there was myself and Captain Sisty. There
13 was Captain Hughes and Captain Harrison from District 3.
14 We also had District 3 pilots with us in this joint
15 committee. They were working under the same conditions,
16 and Captain Harrison was representing District 3 pilots.

17 Q. I presume you requested a meeting
18 in Ottawa in that respect?

19 A. That is correct.

20 Q. For what day? Did you receive
21 any answer from Ottawa for a meeting?

22 A. I don't know just what exactly was
23 the correspondence that went on. However, I will show
24 you a letter where Captain Andrews stated we had great
25 difficulty in getting it. I had several phone calls
26 with him, and he said he was having great difficulty
27 in getting a meeting, and finally he arranged a meeting
28 by approaching the assistant, I think one of the
29 assistants to the Deputy Minister.

30 Q. Yes. It wasn't Mr. Nadeau, was it?



English

A. No, it was not Mr. Nadeau, no.

Q. Did you obtain a date, a certain date?

A. We obtained a date, and we went to Ottawa.

Q. Was the whole committee in Ottawa?

A. We got to Ottawa and we were told flatly that they were very sorry that we had come to Ottawa, but they just couldn't meet us because we were not a bona fide registered body.

Q. Let's start this again. Was the whole committee down in Ottawa?

A. Yes.

Q. Was there, to your knowledge, a date set by departmental officials for a meeting?

A. This is what we were led to understand. However, we went down and we saw -- can I just look this up here?

Q. Yes, if you have any record or notes about these meetings, you consult them.

A. Perhaps Captain Andrews has some of his correspondence.

Q. Do you remember who told you that they could not meet with you?

A. Mr. Baxter, the head of the personnel department, D. O. T.

Q. You were present at that time?

A. I was present, yes.

Q. And the argument which was used was



1 English

2 that you were not a bona fide organization?

3 A. That is right, we were not a
4 registered bona fide group.

5 Q. Did any meeting take place or
6 did you just walk out? What happened?

7 A. Well, there were some hot words
8 went back and forth. Finally I said, "Well, I am the
9 President of the Great Lakes Pilots Corporation. Will
10 you hold a meeting with me then?" He said Yes, he
11 would. He would have to let us know if it could be
12 held that day or not, so we went and had lunch and
13 we called back after lunch and they said they would
14 meet us on that afternoon.

15 Q. Do you know approximately what
16 time of the year this was? The first part of 1963,
17 in the early part of 1963 or towards the end of 1963?

18 A. This was in the early part of
19 1963. This was in March, I think, of 1963.

20 Q. So you had your lunch and who went
21 to the meeting in the afternoon? Were there the same
22 persons?

23 A. Same people who I mentioned before.

24 Q. Were you told then Ottawa was
25 meeting officially with you as President of the Corpor-
26 ation?

27 A. No, it was not mentioned, and we
28 felt better to let sleeping dogs lie. We had all had
29 lunch, and I think our tempers had cooled down, and
30 actually we had quite an amicable meeting.



1 English

2 Q. Was the meeting actually chaired
3 on your side by Captain Andrews at that time?

4 A. Yes.

5 Q Had you any other information,
6 however indirect it might be, that as a Corporation you
7 were not too welcome in Ottawa?

8 A. Yes, I had.

9 Q. I am showing you a photocopy of
10 a letter by Mr. R. A. Tombs, Assistant National
11 Secretary, to Captain S. Sisty, dated April 24, 1962.
12 Could you tell us how you obtained a photocopy of this
13 letter?

14 A. I think Captain Sisty was showing
15 me some of this one time when we were down there, and
16 he left it there. I just took it and had a photostat
17 copy made.

18 Q. Did Captain Sisty tell you he had
19 received this letter from Mr. Tombs?

20 A. Yes, he said he had received this
21 letter, yes. I was rather underhanded I am afraid.

22 MR. LALONDE: I would like to table
23 this letter under Exhibit No. 1054.

24 ---EXHIBIT NO. 1054: Photocopy of letter dated April
25 24, 1962 to Captain S. Sisty.

26 MR. LALONDE: Part of this letter
27 reads as follows:

28 "With respect to Capt. Watson's approach
29 to the new rules, we were in touch with
30



English

1
2 Captain Slocombe who promised to tele-
3 phone Captain Watson to inform him that
4 the new rules should be followed as
5 closely as possible. You will recall
6 that during our meeting in Ottawa your
7 Committee agreed that there would be
8 some situations where it would be
9 impractical to meet your demands. One
10 of these situations could well be the
11 recent tie-up at Eisenhower Lock.
12 However, as I have said, Captain Slocombe
13 made it quite clear that wanted Captain
14 Watson to follow the new directive as
15 closely as possible.

16 With respect to the position of
17 the Corporation, it has been confirmed
18 to me today that they carry no great
19 weight or have any more strength in the
20 Port Weller - Sarnia area than any other
21 Association. As far as the Department
22 is concerned, any work stoppage or slow
23 down caused by the Corporation in the
24 Port Weller - Sarnia District would be
25 entirely illegal and the Department would
26 possibly consider that the pilots had
27 abandoned their positions and would strike
28 them off strength. They indicated to me
29 that they have a fairly good eligible list
30 should this situation arise. It was also



English

1
2 indicated to me that the approach our
3 Association took with respect to the
4 working conditions would be more readily
5 accepted than the militant type of
6 approach used by the Corporation. As a
7 matter of fact, the real changes that have
8 been obtained thus far have been obtained
9 through our representation and not through
10 any approaches used by the Corporation."

11 Q. Have you ever discussed in any
12 way, shape or form in this District either going on
13 strike or slowing down the operation?

14 A. This has never been discussed in
15 any way, shape or form either at a meeting, general
16 meeting, Directors' meeting or between me and any other
17 single pilot in the Corporation.

18 Q. Have you ever --

19 A. Or, I might say, any other pilot
20 that works in District 2.

21 Q. Now, I would like to ask you a few
22 questions about your militant type of approach. To your
23 knowledge every time you were in Ottawa were you
24 behaving yourself as duly respectful employees?

25 A. Oh, I think we were. I don't know
26 that we had an argument. We might have disagreed on
27 some points, but it was certainly an amicable disagree-
28 ment. I don't think we ever raised our voices. I
29 would say I fail to see that view at all.

30 Q. When you went to Ottawa you did not



1 English

2 receive anything in writing, and all the verbal promises
3 made have been broken? I would like to ask you first
4 of all when you went to Ottawa did you prepare a written
5 list of problems or questions which you wanted to
6 raise with the Department?

7 A. Yes, we have always prepared
8 written problems that we would like to raise with the
9 Department, and these have been sent out ahead of time.
10 We have asked the Department to fix a time when we
11 could discuss matters with them.

12 Q. I see. Do you have with you a list
13 of these requests which was sent to Ottawa for the
14 years 1962, 1963, and 1964, if you have any?

15 A. Yes. I might add, Mr. Lalonde,
16 I now know the gentleman we met with.

17 Q. Yes?

18 A. Mr. Yvon Berieault who was
19 Assistant to the Minister.

20 MR. LALONDE: I would like to
21 file now a bundle of briefs or memoranda submitted by
22 the Corporation of Professional Great Lakes Pilots
23 and the Joint Pilots' Committee of 1963 to the Depart-
24 ment of Transport in 1962, 1963 and 1964. Were these
25 briefs sent in advance to Ottawa?

26 A. All of them were sent in advance,
27 yes.

28 ---EXHIBIT NO. 1055: Bundle of briefs submitted by
29 Corporation of Professional Great
30 Lakes Pilots to the Department of
Transport in 1962, 1963 and 1964.



English

Q. If you have no objection I will consider these briefs when we get to the chapter on the Department of Transport itself. We will then study what replies you got, if any.

Chapter 7 relates to the training of the pilots at paragraphs 23, 24 and 25. In paragraph 23 you have here:

"It seems the opinion of the officials of the Department of Transport that the pilots in District #2 will have no say in the training and selection of apprentice pilots."

What are the reasons for that statement?

A. We approached them on this matter in our brief in 1962 and we were told this was definitely the department of Ottawa and not ours.

Q. Who told you that?

A. Captain Slocombe.

Q. Was this said at a meeting?

A. It was said at the meeting which we had with the Department of Transport in Ottawa in the spring of 1962.

Q. As a matter of fact were you ever consulted since that time about any training programme for future pilots in this District?

A. No, none whatsoever; we have never at all been consulted.

Q. Were you made aware last year that



1 English

2 an examination would be held in Toronto for trainees
3 on Lake Ontario?

4 A. We knew about it by seeing the ad
5 in the paper, but we were never made aware of it from
6 the Department of Transport, no.

7 Q. I notice that paragraph 24
8 elaborates your opinion on this; but would you state
9 what is the attitude of your Corporation with respect
10 to this question of training programmes for pilots
11 insofar as the participation of pilots is concerned
12 in the preparation of these programmes?

13 A. Due to being told that we have no
14 say in it, we have never brought this matter up again
15 with the Corporation -- shall we say, discussed this
16 at a general meeting. However, myself, I have dis-
17 cussed the ways that they have down in the lower rivers
18 with the different pilots at times and (this is completely
19 unofficial) I do think that if this was ever changed
20 we would not take as long to set up a training programme.

21 Q. Why do you insist upon the
22 participation of pilots in the preparation of training
23 programmes?

24 A. It is the pilots who actually are
25 working here. It is the pilots who know the problems.
26 It is the pilots who can transmit the problems to
27 trainees and I think it is the pilots who get to know
28 the individuals too, as well as they get to know any
29 trainees personally and what their mistakes or, shall we
30 say, whatever quirks of character they may have.



English

Q. Paragraph 25 states that the Shipping Federation commended the quality of pilotage in Washington in 1962 referring to pilots on the Great Lakes. Were you present at the time?

A. Yes, I was present.

Q. Did you hear any statement to that effect?

A. Oh, yes; both Mr. Dusing made that statement and also Mr. Colley.

Q. Do you know who Mr. Dusing is?

A. Mr. Dusing is the head of the equivalent of the Shipping Federation of Canada in the States. I do not know what the name of the body is.

MR. BRISSET: Chicago Overseas Shipping Association.

THE WITNESS: That is his own title, but is he not the head of an association -- Chairman of the Great Lakes Pilotage Committee?

MR. BRISSET: Mr. Dusing is Chairman of the Pilotage Committee of the Chicago Overseas Shipping Association which is affiliated to the Shipping Federation of Canada.

THE CHAIRMAN: Thank you, Mr. Brisset.

MR. LALONDE: Q. You say:

"This quality should not be lowered by bureaucratic fumbling or jealousy."

What are you referring to when you refer to "bureaucratic fumbling"? Do you have anything



English

in mind in particular?

A. Well, let us say that we have been piloting here now for four years and we still have not got any concrete working rules. I would say that is a pretty big fumbling for four years when you can't even grasp the ball. There is also the matter of -- I would say there is probably fumbling in the dispatching too, and also the fumbling of the issue of the open waters transits.

We maintain that they should have kept into the District which is advertised as the District. If they are going to give proper service to the ship owners they should have kept the pilots in the District. I think this was a pretty big fumbling that they did not look after this when they had it.

Q. I would like to go over to chapter 8. You state that you cannot help viewing some officials in the Department of Transport with hostility and suspicion. What basis do you have for such a statement?

A. I would say that the biggest thing is that they will not give us anything in writing -- very little will they give us in writing. They are merely, shall we say, getting out from under. Whenever anything crops up they say: "This is not within our territory." They put in at all times on anything these exigencies of a service This can cover a whole multitude of sins. This itself, the fact that after, as I say, four years that we have had so very little in writing from them, even also the very fact that



English

the Prevailing Rate Employees we have never been given. We never knew until this year just exactly what our status was. We had never seen it.

We can only say that we certainly have room for argument as regards our holiday pay that we have so far received and also our sick leave benefit. This idea of covering up what are supposed to be our own working rules certainly leads to a great deal of suspicion.

Q. No doubt you received a copy of the document which was filed previously under the title, I think, Department of Transport Information, Policies and Regulations as Exhibit 1011?

A. Yes, I received that.

Q. You received that; but you state that nevertheless -- would you repeat what you stated in this respect?

A. We never received the booklet of Prevailing Rate Employees and we still have never received it. This says what are the working hours. These Treasury Board minutes, of course, we never knew anything about as regards the working hours for our District. Basing this on the hours we put in, it is open to question as to whether our men have been paid properly as regards their sick leave and their holiday pay.

Q. I presume that the other facts which you have referred to this morning -- to which I do not want to come back -- also enter into consideration when



English

you make such a statement in paragraph 26?

A. Yes, very much so.

Q. You state:

"In December, 1959 various officials of the Department met with all the pilots and at that meeting there was a marked hostility."

Where did that meeting take place?

A. It was held in the Lion's Hall in Port Dalhousie.

Q. Yes, who was present?

A. Captain Jones, Mr. Cumyn; I think there was a Mr. McPherson.

Q. Also of the Department of Transport?

A. Also of the Department of Transport.

Q. Do you remember anybody else from the Department being present?

A. I rather think there were four of them.

Q. Why do you say there was a marked hostility at that meeting?

A. Well, if you recall, I think I have stated that in 1959 there were at times 40 ships out at anchor. We no sooner got that cleared out when the U.S. Navy came up with some 40-odd ships. We no sooner got that cleared up than the 40 came down again and, that cleared out, and then the 40 Navy ships back down again. But all in all we had been run pretty ragged that



English

1
2 year and this was the reason for this hostility, I
3 think -- also the very fact that men were on this
4 \$950.00 a month remuneration as compared to \$1,200.00
5 the year before. And the work had increased a great
6 deal, especially with the coming of a lot bigger ships.

7 I might add that it may have been
8 said in jest, but Mr. Cumyn's opening statement was:
9 "I have left my guns at home and I hope you have left
10 yours too."

11 Q. What was the purpose of that
12 meeting and what developed from that meeting?

13 A. I do not know what developed from
14 that meeting really but certainly I think a lot of the
15 pilots felt a lot better for it. There was certainly
16 a lot got off their chests at that meeting.

17 Q. What was the purpose of the meeting
18 officially?

19 A. Well, to try and get better working
20 hours, etc.

21 Q. Have there ever been any other
22 general meetings of the sort since with the departmental
23 officials from Ottawa?

24 A. No.

25 Q. Was that meeting called by the
26 departmental officials in Ottawa?

27 A. Yes. It was called for the last
28 day of the working season. I think it was December 1st
29 and I think the pay was carried on until December 1st.

30 Q. You state that no other such meeting



1 English

2 has been arranged although working conditions have deter-
3 iorated?

4 A. Yes.

5 Q. Surely you do not mean to say
6 that 1963 was worse as far as working conditions are
7 concerned than 1959, do you?

8 A. No, I would not go so far as to
9 say that. However, this was written in 1963.

10 Q. What were you referring to then?

11 A. I was referring to 1961 with the
12 trans-lake pilotage -- when the trans-lake pilotage
13 came into effect in 1962.

14 Q. I see, and your view then was that
15 even compared with 1959 your lot deteriorated in 1961
16 and 1962?

17 A. Oh, I would say so, yes, definitely.
18 I might add there were additional pilots brought in
19 which probably helped in 1960. This was probably one
20 of the reasons why I do not think 1960 -- well, I know
21 1960 was not as bad as 1959. However, 1961 made up
22 for that.

23 MR. LALONDE: My Lord, I am going
24 to go into recommendations by the Corporation. That
25 might just as well be after lunch.

26 THE CHAIRMAN: We will break for
27 lunch until 2:30.

28 ---LUNCHEON ADJOURNMENT.
29
30



1 English

2 ---UPON RESUMING AT 2:30 P.M.

3 MR. LALONDE: My Lord, I have a
4 few witnesses who will give short testimony. I think
5 it would be preferable to hear them here rather than
6 in Toronto, so I will interrupt Captain Stevenson's
7 evidence for a few minutes. I would like to call upon
8 Captain C. E. Cote.

9 CHARLES EUGENE COTE, Sworn

10 DIRECT EXAMINATION BY MR. LALONDE:

11 Q. Would you give your full name to
12 the Commission, and your age?

13 A. Charles Eugene Cote. Fifty-five.

14 Q. I understand you are a pilot
15 in District #2 of the Great Lakes; is that correct.

16 A. Yes.

17 Q. What is your number as a pilot,
18 the number of your identification card?

19 A. 1709.

20 Q. Are you the pilot to whom reference
21 is made in paragraph 11 of the brief of the Corporation
22 of Professional Great Lakes Pilots?

23 A. Yes, I am.

24 Q. I am showing you a letter written
25 by myself to Captain F. S. Slocombe on July 16, 1962
26 at your request. The letter contains a recital of the
27 events which led to your request to me in order to write
28 the letter on your behalf.

29 Would you look at the recital of
30



1 English
2 the events in this letter and tell the Commission whether
3 it is an exact representation of the events as they
4 occurred? Will you read the letter carefully?

5 A. It is exact, sir.

6 MR. LALONDE: Thank you.

7 THE CHAIRMAN: Are you going to
8 file it?

9 MR. LALONDE: Yes, My Lord.

10 MR. JACQUES: Exhibit 1056.

11 MR. LALONDE: Yes. I would also
12 file with this letter other letters which have been
13 written, letters exchanged between myself and Captain
14 Slocombe as well as letters written by Captain R. A.
15 Stevenson to Captain Slocombe. I will identify the
16 letters through Captain Stevenson later on. They
17 are concerning the case of Captain C. Cote, letters
18 dated June 29 to August 13, 1962.

19 ---EXHIBIT NO. 1056: Copy of letter dated July 16, 1962
20 and exchange of correspondence
21 dated from June 29, 1962 to
22 August 13, 1962.

23 Q. In this letter it states that on
24 June 20, 1962 at noon, twelve hours, you boarded a
25 vessel called La Hacienda?

26 A. That is correct.

27 Q. It is stated you remained con-
28 stantly on duty from Friday, June 22 at twelve noon
29 until four-thirty Saturday morning?

30 A. That is correct.



1 English

2 Q. Where were you taking La Hacienda?

3 A. Down to Port Weller.

4 Q. Excuse me?

5 A. Down to Port Weller.

6 Q. Where did you board that ship?

7 A. At Sarnia.

8 Q. You boarded her at Sarnia?

9 A. Yes.

10 Q. You were relieved at Port Weller,

11 I understand, at 4:30 the next morning; is that correct?

12 A. That is correct.

13 Q. Excuse me, 4:50.

14 A. Four-fifty, yes.

15 Q. It is reported on the same day

16 at 2220 at night you were requested to board the

17 vessel Riverdore?

18 A. That is correct.

19 Q. Which you did at 2350?

20 A. Yes.

21 Q. The same day, and you remained on

22 duty until 1620 on Sunday, June 24, the next day?

23 A. That is correct.

24 Q. Where did you board the Riverdore?

25 A. I boarded the Riverdore outside

26 Port Weller at anchor.

27 Q. Where did you leave the Riverdore?

28 A. I tied up the Riverdore at

29 Beaverboard dock in Thorold.

30 Q. What time was it when you left the



1 English

2 Riverdore?

3 A. It was 1800.

4 Q. 1800?

5 A. When the relief was sent.

6 Q. When the relief was sent to you?

7 A. Yes.

8 Q. I understand that you decided in
9 the afternoon on Sunday, the 24th, to tie up the ship
10 at 1620; is that correct?

11 A. Well, I decided before that.

12 Q. Yes?

13 A. I asked before that to be relieved.

14 Q. Yes?

15 A. And then finally when I couldn't
16 get no relief, well, I asked permission from the
17 Canal Authority, and he give me permission, and I tied
18 up the ship at 1620.

19 Q. How did you manage to get in
20 touch with the pilotage office of Port Weller in order
21 to ask for relief?

22 A. Well, in that time we had no
23 direct telephone with the pilots' office, so we had
24 to go through the pilot boat and the pilot boat
25 was relaying the message by shore line.

26 Q. Where was the pilot boat stationed
27 which you would call?

28 A. At Port Weller.

29 Q. I see. You would call from the
30 Riverdore to the pilot boat which was in Port Weller, and



English

the personnel aboard that pilot boat would then call by land communication, by telephone, the pilotage office?

A. That is correct.

Q. Was this the procedure which you followed on Sunday, June 24th, 1962?

A. That is correct.

Q. How many times did you call for relief?

A. I don't know exactly, but three or four times.

Q. I see. When did you call for relief the first time?

A. I was in Lock 4 in the Welland Canal.

Q. Would you have any idea what time it was?

A. Approximately 1:00 P.M.

Q. I see. Between 1:00 P.M. and 4:20 in the afternoon you said you called about three or four times?

A. Three or four times.

Q. And each time you would go through the pilot boat personnel to speak to the dispatcher?

A. Exactly.

Q. I understand you were never in touch directly with the dispatcher?

A. No.

Q. What answer did you get from the



1 English

2 pilot boat operators?

3 A. Well, every time I was calling
4 the answer was that there was no relief available
5 so I had to carry on.

6 Q. I see.

7 A. And the last time I requested
8 relief again the answer was not too nice, you know,
9 not too properly, and I was told by the pilot dispatcher
10 in communication with the office, "If you can't do
11 anything else, tie up the ship".

12 Q. Is this what the pilot boat
13 dispatcher told you?

14 A. Yes.

15 Q. Did he say he was reporting then
16 something which the office dispatcher had told you?

17 A. That is it.

18 Q. Had told him to tell you?

19 A. That is right.

20 Q. Do you remember these words quite
21 distinctly?

22 A. Well, it is a word that I would
23 pronounce --

24 Q. I don't want you to report the
25 exact language that was used --

26 A. It wasn't too nice.

27 Q. You stated the pilot boat operator
28 stated that if you couldn't do anything else, to tie
29 it up?

30 A. That is correct.



1 English

2 Q. My question is, did the pilot
3 boat operator tell you that this was what the pilot
4 dispatcher had told him to tell you?

5 A. That is correct.

6 Q. During 1962 I understand there
7 were no other means than the one you used to get in
8 touch with the pilotage station once you were aboard
9 the ship?

10 A. No.

11 Q. You said you requested Canal
12 Authority to tie up the ship?

13 A. That is correct.

14 Q. Did you get that permission?

15 A. I did.

16 Q. Did you raise the matter with the
17 Master aboard the ship?

18 A. Yes, I did.

19 Q. What did the Master tell you?

20 A. He agreed with me, and he said that
21 was enough for a man, he said. He said, "I am anxious
22 to have my ship through the Canal", but he said, "In
23 the condition you are", he said, "I don't see you fit",
24 he said, "to have it safely through the Canal", and he
25 agreed with me about tying up the ship.

26 Q. Did you see the ship was safely
27 moored along the Canal?

28 A. Yes, safely moored.

29 Q. What did you do once the ship was
30 tied up?



English

A. I reported back again to the pilot boat to let the pilot office know I was tied up, and I gave him the time at the Beaverboard dock, and whenever they have a relief to send for me, if they have one, I wait on the ship until they send a relief; if not, I will have a rest and I will proceed on with the ship through the Canal.

Q. Then what did you do?

A. I went to bed. I went to sleep, and about an hour and fifteen minutes after I was sound asleep, nearly practically dead, and the Captain came to me and said, "There is someone down on the dock there with a handbag. I don't know if it is a pilot to relieve you or not", so I got up, put on my clothes and went and looked over the rail of the ship, and I looked down below. It was a pilot. So I said to the Captain, "That is a pilot who has come along to relieve me".

Q. Why were you not in a position to carry on with the ship that afternoon?

A. I was in a state of tiredness; my ankle was swelling up, and more than that, my eyesight was getting bad. I was seeing the same object twice. When you start to see the same object twice, you had better watch yourself.

Q. You mean to say you were seeing double images?

A. That is right.

Q. Yes. Did you have that feeling



1 English

2 before aboard ships?

3 A. No, never did, no, not that I
4 know of.

5 Q. I understand that there were
6 roughly 18 hours; let us say 17 or 18 hours between
7 the time you left the first ship and boarded the
8 second ship on Saturday; is that correct? You left the
9 ship on Saturday morning?

10 A. At 4:50.

11 Q. And joined the other ship at 2350?

12 A. 2350, that is correct.

13 Q. Which would make it almost 20 hours?

14 A. That is correct.

15 MR. JACQUES: Nineteen exactly.

16 Q. Nineteen hours. Did you have time
17 to take a rest during that period?

18 A. Well, I believe I could have time
19 to take a rest, but it was a very hot day that day,
20 and the place where I was living in a room, the sun was
21 shining on the roof there, and it was about 120 degrees
22 Fahrenheit in the room, so I couldn't get no rest until
23 late after supper when the sun went down, and I had
24 maybe a couple of hours rest before I was called out
25 again.

26 Q. Now, what happened when you left
27 the ship on Sunday afternoon at six o'clock?

28 A. I took a taxi down to the pilots'
29 office to give my source form card in, and I asked the
30 dispatcher, I said, "What time are you going to call me



1 English

2 back now?" He said, "I won't call you back now until
3 -- I have orders from Captain Watson to not call on
4 you until he has seen you about this matter". I said,
5 "All right. Good bye. Thank you, I will go have a
6 good sleep now."

7 Q. What did you do? You went home?

8 A. I went home and went to sleep.

9 Q. What did you do next day when
10 you--

11 A. Next day I was up, say, about
12 eight o'clock next morning, and I was expecting a call.

13 Q. Yes.

14 A. There was no call up to 10:30 about,
15 when I decided myself to phone, to telephone Captain
16 Watson.

17 Q. Yes?

18 A. So I asked Captain Watson, "Did
19 you want to see me for any particular matter?" The
20 answer was he said, "No, not particularly." He said,
21 "Your case is sent to Ottawa and I am waiting a reply
22 from Ottawa."

23 So I explained to him on the phone
24 the situation that I was in and the reason why I tied up
25 the ship. He told me in that phone conversation that I
26 believed that I done the right thing, but he had to
27 go through Ottawa. And he told me that Maclean Kennedy
28 would not like it. I asked him, I said: "Do I am
29 suspended or off pay at the present time?" He said:
30 "Don't you think for a minute you are suspended or off



1 English

2 pay." He said: "You are on pay until I receive word
3 from Ottawa." I asked him, I said: "When do you
4 expect word from Ottawa?" He said: "Some time this
5 afternoon, later this afternoon."

6 So I stayed home and at five
7 o'clock there was no phone from anybody, so I phoned
8 in Captain Watson and asked him about it and if he
9 knows about my case. He said: "No, no word from
10 Ottawa yet." He said that they know tomorrow. That
11 was on Monday. So the next day I stayed home standing
12 by the phone again for a call and no call came. Only
13 Wednesday morning about nine o'clock when the
14 dispatcher phoned me and he told me that I was to be
15 back on the tour de roll list first man to go out,
16 and an hour after they dispatched me to Toronto.

17 Q. That was on Wednesday?

18 A. On Wednesday, yes.

19 Q. How were you informed that you
20 had been suspended or off pay for one day?

21 A. For two days.

22 Q. Two days, I am sorry.

23 A. When I came back from Toronto and
24 I was relieved at Port Weller. That was in the after-
25 noon. Yes, it was in the early morning, but in the
26 afternoon it was payday -- I think it was so. I went
27 down to the office to get my cheque and Captain Watson
28 sent one of the dispatchers to tell me he want to see
29 me. That was the first time I met Captain Watson then.

30 Q. While we are on this, I think I



1 English

2 heard Captain Watson state that he had seen you on
3 the Monday, June 25th. That is the next day after you
4 left the ship, the Riverdore?

5 A. No, he made a mistake there.

6 Q. You are sure that you did not
7 meet him on the next day?

8 A. I am positive.

9 Q. You are sure that you did not
10 go to the pilotage office that day?

11 A I am sure of it -- positive.

12 Q. Did you say it was the first
13 time that you had an opportunity to meet Captain Watson
14 face to face?

15 A. That is right. That was on
16 Thursday; I think it was Thursday afternoon, the same
17 week. So I went up to his office and he handed me
18 the suspension letter. He said to me, he said: "I had
19 to suspend you for two days."

20 Q. I see, and did he give you any
21 documents then?

22 A. He gave me a letter.

23 Q. He gave you a letter?

24 A. A letter of suspension.

25 Q. Do you have this letter with you?

26 A I believe I have.

27 Q. You have a copy here?

28 My Lord, there is an original and
29 a copy. May we file a copy?

30 Q. Do you identify the copy as being the



English

same as the letter you received?

A. I do.

THE CHAIRMAN: That is quite all right.

MR. LALONDE: Why don't we put all these letters in under 1056?

---EXHIBIT NO. 1056: Bundle of letters.

MR. LALONDE: Q. What did you say on this occasion? What did you do?

A. Well, I was quite annoyed about this matter and I asked Captain Watson, I said: "Who suspended me?" I said: "Is it you or Ottawa?" The answer was, he said: "It is signed by me." That was the answer -- "the letter is signed by me."

Q. So what happened?

A. Well, he told me that I had two weeks to appeal on that matter.

Q. Yes?

A. So I told him that I won't leave that thing that way. I said I will appeal, try to have the facts on this thing -- which I did. I put that up to our President and our President put it up to yourself, I believe it was.

Q. Was your suspension ever withdrawn, however, or were you ever paid back the two days for which you were suspended?

A. No, no.

MR. LALONDE: No further questions.



1 English

2 CROSS-EXAMINATION BY MR. BRISSET:

3 Q. When did you become a pilot in
4 the Port Weller/Sarnia District, Captain?

5 A. In 1959, I think, when the
6 Shipping Federation was operating this District.

7 Q. And 1958?

8 A. 1958, 1957; I was sailing Master
9 from 1952. I was five years for March Shipping ---

10 Q. The only question I was asking
11 you, Captain, is when you did become a pilot in the
12 Port Weller/Sarnia District; was it in 1958?

13 A. In 1958.

14 Q. In what month; do you recall?

15 A. In August, if I remember.

16 MR. BRISSET: Thank you.

17 MR. LALONDE: I notice, My Lord,
18 there is no date on the copy of the letter of suspension
19 of Captain Cote, but there is no date either on the
20 original.

21 MR. JACQUES: I have had from
22 Ottawa a statement of all the jobs done by Captain
23 Cote for the 1962 and 1963 seasons, which I should
24 like to file as Exhibit 1057.

25 MR. LALONDE: On the reservation,
26 My Lord, that once again I notice that there are times
27 there given as "On Duty, Off Duty" and nobody is here
28 to explain what is meant by the times. I presume that
29 this will be established later on.

30 THE CHAIRMAN: Are you filing this



1 English

2 document?

3 MR. JACQUES: Yes, My Lord.

4 THE SECRETARY: 1057, My Lord.

5 ---EXHIBIT NO. 1057: Statement of jobs done by Captain
6 Cote during the 1962 and 1963
7 seasons.

8 CROSS-EXAMINATION BY MR. JACQUES:

9 Q. After you got off the Riverdore,
10 did you see a doctor?

11 A. No, I did not.

12 Q. Why not?

13 A. It was Sunday night then and I
14 was so tired. All I was thinking of was to go to bed
15 and have a good sleep and a good rest.

16 Q. Had you before that occasion
17 suffered similar symptoms?

18 A. No, not to be -- no, never did
19 before.

20 Q. And since have you suffered
21 similar symptoms?

22 A. After, you mean?

23 Q. Yes.

24 A. I did after that, but I was ten
25 days after that that I had to see a doctor about my
26 ankles and he put me off duty. I was off duty for
27 ten days on account of that.

28 Q. I see, and did the doctor tell
29 you what was wrong with your ankles?

30 A. He told me that was for standing



English

too long on my feet.

Q. And this year, 1963, did you ever suffer similar symptoms?

A. I did, but not as bad as it was then.

Q. Not as bad as it was then?

A. No.

Q. You said you first called for relief when you were at Lock 4?

A. That is correct.

Q. During that year was it the rule that you be relieved at Lock 7 as much as possible?

A. Well

Q. Was that in force?

A. I believe it was the rule that we be relieved at Lock 7.

Q. When you asked for relief at Lock 4, was that the normal call for relief?

A. That was the normal practice because we had to give a couple of hours' notice so they can dispatch the other pilot to us.

Q. So that was the normal point of calling and you had made the normal call at Lock 4?

A. Exactly.

Q. Subsequently you called again?

A. I did call again when I was in Lock 5, I believe it was, and then I called from Lock 6 again. Then when I found out there was no chance to be



1 English

2 relieved through the pilot boat, I told that I was in a
3 bad state and so on. So then I phoned up the Guard Gate
4 operator and I asked permission to tie up the ship
5 somewhere. But I knew that there was no place in the
6 Canal that I could tie it up before I reached that
7 Beaver border.

8 Q. You are going a little too fast
9 for me, Captain. When you called at Lock 4, what did
10 you tell them?

11 A. I told them at Lock 4, I requested
12 a relief, that I was tired. The answer was that there
13 was no relief available.

14 Q. And you called again at Lock 5?

15 A. I called again at Lock 5.

16 Q. What did you tell them this time?

17 A. The same story.

18 Q. How much time elapsed between your
19 call at Lock 4 and the second call at Lock 5?

20 A. Between 30 and 45 minutes.

21 Q. And then you called again at Lock 6?

22 A Exactly.

23 Q. What did you tell them when you
24 called at Lock 6?

25 A. I told them if there is no relief
26 to be provided that I am going to have to tie up the
27 ship and rest for a while.

28 Q. That is when you were at Lock 6?

29 A. That is right.

30 Q. When did you receive instructions



1 English

2 that it was all right to tie up?

3 A. By the Canal Authority.

4 Q. Yes, but when?

5 A. When I was in Lock 6.

6 Q. In Lock 6?

7 A. After I called for the pilot office
8 and then I called the Canal authorities asking permission
9 to tie up the ship.

10 Q. What time was it then?

11 A. I would say about approximately
12 2:00 P.M., 2:30 P.M.

13 Q. When was your ship all fast?

14 A. 4:20.

15 Q. Approximately two hours after?

16 A. Approximately two hours after that.

17 Q. Was there any other traffic in
18 the Canal?

19 A. Yes, there was lots of traffic.

20 Q. Were there ships ahead of you?

21 A. Yes, there were big ships -- the
22 Canada Steamship Lines, the Murray Bay.

23 Q. The Murray Bay was ahead of you
24 at that time?

25 A. Yes.

26 Q. Normally from Lock 6 to Port
27 Colborne, how many hours would it take?

28 A. It is very difficult to give
29 precisely the exact time. That depends on the traffic.
30 But it may take from Lock 6 to Port Colborne between five



1 English

2 and sometimes ten hours.

3 Q. When you are on a ship do you have
4 an idea of the traffic in the Canal?

5 A. Yes, we do.

6 Q. You know more or less what is
7 moving?

8 A. We listen to the radio-telephone
9 and we are acquainted with nearly all the movements
10 in the Canal.

11 Q. Listening in to all this information
12 are you not able to ascertain to a certain degree
13 the time which you will take?

14 A. No; it is very difficult to do
15 it on account of traffic.

16 Q. No, but you know what the traffic
17 is?

18 A. Exactly, yes.

19 Q. And yet you cannot guess approxi-
20 mately?

21 A. You cannot guess approximately how
22 long you will be before you are to a certain point.
23 It is only a matter of luck if the ships go fast, and
24 that depends on the draught of the ship and if the ship
25 is in ballast or if the ship is loaded, well, it is
26 two possibilities.

27 Q. You say that the operator in the
28 pilot boat told you that the office dispatcher had said
29 to tie up the ship; is that correct?

30 A. That is correct. That is what I



1 English

2 received from the operator of the pilot boat.

3 Q. Did you give such information to
4 your superiors when your case was discussed?

5 A. Well, I do not know if I did tell
6 my superior that case, that I was told through the
7 pilot boat to tie up the ship. I do not remember if
8 I did tell them.

9 Q. I see. Before you boarded the
10 Riverdore you had been off duty 19 hours?

11 A. Approximately.

12 Q. Approximately?

13 A. From the time I got off La
14 Hacienda until I boarded the Riverdore.

15 Q. I see, and from the time you got
16 off La Hacienda until the time you got home, or
17 wherever you lived in Port Weller --

18 A. We report back to the pilot
19 office and go home and wash yourself and have some
20 sleep when you can.

21 Q. Just a minute. When you arrived
22 home after that trip what time was it roughly?

23 A. Approximately six in the morning.

24 Q. And you say that you could not
25 rest during the day because there was too much sun?

26 A. Too much sun and too warm.

27 Q. And too warm?

28 A. In the room, yes.

29 Q. At six o'clock in the morning was
30 it very warm?



1 English

2 A. Yes, but I was too tired then
3 to sleep.

4 Q. You could not sleep?

5 A. No; I was too tired to sleep.
6 I was rolling around trying to get some sleep.

7 Q. You were rolling around trying
8 to get some sleep and you only eventually got to
9 sleep during the end of the afternoon?

10 A. The end of the afternoon when the
11 sun was down and it cools off in the room. I had a
12 few hours' sleep then.

13 Q. Does your room face south?

14 A. Yes, it was facing south.

15 Q. You are sure it is facing south?

16 A. No, it was not; no, I do not
17 think so.

18 Q. I am waiting to find out which
19 way your room was facing?

20 A. Oh, I am sorry. It was probably
21 facing west. I believe it is. I think I am right.

22 MR. JACQUES: Thank you.

23 THE WITNESS: Thank you.

24 THE CHAIRMAN: Did I understand
25 well that it was the terminal of your assignment at
26 Port Colborne?

27 THE WITNESS: The terminal of my
28 assignment was Sarnia. I had to take the ship through
29 the Canal and then the ship had no B licence, so if
30 I would encounter any kind of fog on Lake Erie whatsoever



1 English

2 I would have to stay on to carry it on.

3 THE CHAIRMAN: From Lock 6 to
4 Port Colborne you said was from five to ten hours
5 depending on the conditions?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: And the remaining
8 of the trip from Port Colborne to Sarnia, how long
9 would that be?

10 THE WITNESS: Approximately, with
11 that ship, 24 hours.

12 THE CHAIRMAN: And then of course
13 the time would depend on the weather and the other
14 ships?

15 THE WITNESS: Exactly.

16 THE CHAIRMAN: You cannot foresee
17 them at the time?

18 THE WITNESS: It is very difficult
19 to foresee them.

20 THE CHAIRMAN: Up to that day
21 had you been up to any disciplinary action before, or
22 was this the first time?

23 THE WITNESS: No, the first time.

24 MR. LALONDE: Thank you, Captain.

25 (The Witness withdrew)

26 CAPTAIN THOMAS WILSON, Sworn

27 DIRECT EXAMINATION BY MR. LALONDE:

28 Q. Would you give your age, please?

29 A. Fifty-nine.

30 THE CHAIRMAN: I suppose Captain



1 English

2 Wilson is pilot #1710?

3 MR. LALONDE: Q. You are a pilot
4 in District #2, Captain?

5 A. Yes.

6 Q. I understand your number is 1710?

7 A. Yes.

8 Q. Would you speak louder, please?

9 Would you take notice of paragraph
10 10 in the brief of the Corporation of Professional
11 Great Lakes Pilots and tell us whether the information
12 contained in this paragraph related to you and is a
13 correct representation of the facts as they occurred
14 to you?

15 A. Yes, they are.

16 Q. Would you tell me in what year
17 the event referred to in paragraph 12 did occur?

18 A. That was in 1962.

19 Q. I have here correspondence between
20 yourself and officials of the Department of Transport,
21 as well as correspondence between representatives of
22 the Civil Service Association of Canada and yourself.
23 Would you take notice of these letters and tell us
24 whether they are letters coming from your own files?

25 A. Yes, they are.

26 Q. I notice you have two photocopies
27 of letters exchanged between the Civil Service Associ-
28 ation of Canada and the Department of Transport. How
29 did you obtain these photocopies?

30 A. From the Civil Service Association.



1 English

2 Q. I understand they mailed you some
3 copies of these letters?

4 A. Yes; they mailed me the copies
5 of the letters when you wrote them.

6 MR. LALONDE: I would like to file
7 these, My Lord, as Exhibit 1058.

8 ---EXHIBIT NO. 1058: Letters between the Witness,
9 officials of the Department of
10 Transport and the Civil Service
11 Association of Canada, dated from
May 31, 1962 to August 7, 1962.

12 MR. LALONDE: Q. This correspond-
13 ence seems to indicate that you requested at least a
14 12-hour rest period after your assignment?

15 A. Yes.

16 Q. Is that correct?

17 A. That is right.

18 Q. And that you were called upon to
19 service another ship before this period of 12-hours
20 expired?

21 A. A little before, yes.

22 Q. How many hours before, do you
23 remember?

24 A. I don't remember. I believe it is
25 in there (indicating).

26 Q. In order to expedite things, I have
27 a copy of the letter by Captain Jones to Mr. Piche,
28 Assistant Secretary, Civil Service Association of
29 Canada, dated July 4th, 1962. This letter of Captain
30 Jones says -- and I will ask you whether this is the



1 English

2 correct information -- "We do not dispute Pilot Wilson's
3 claim that the trip between Buffalo and Port Weller,
4 May 16 and 17, took 19 hours, but this is not an
5 unusual length of time for a trip between these two
6 places, or that he was called for duty after slightly
7 more than 10 hours of rest...."

8 A. That is right.

9 Q. Is that correct?

10 A. That is correct.

11 Q. This 10-hour period -- was that
12 between the time you left the previous ship and the
13 time you were called?

14 A. That is right.

15 Q. So that one would have to deduct
16 from that, I presume, the time....

17 A. A few minutes to go home, yes.

18 Q. Where did you get off the ship?

19 A. I live about 10 or 15 minutes
20 away.

21 Q. And on this occasion the ship you
22 had left was near your home?

23 A. Yes. Well, I can't remember, to
24 be exact, whether it was near my home or not; but it
25 is only a short time anyway. I am not disputing that.

26 Q. Then, carrying on, I pursue the
27 quotation: "Pilot Wilson was called for duty because
28 a ship required a pilot and he was the only pilot
29 available at the time. Because of his refusal to
30 accept the assignment the ship was delayed until another



1 English

2 pilot could be called to do the job...." etc. Why did
3 you refuse to take this further assignment when you
4 were called upon to do it?

5 A Because I was too tired. I didn't
6 feel I could do a proper job aboard the ship, being
7 tired. So I told them when they called me that I would
8 go at four o'clock in the morning if that was okay with
9 them.

10 Q. And I understand that disciplinary
11 measures were taken against you; is that correct?

12 A. I didn't get any call at four
13 o'clock in the morning. I woke up about nine o'clock
14 and called the pilot station and they said I had been
15 marked unavailable.

16 Q. You were told that you had been
17 marked unavailable?

18 A. Yes, marked unavailable.

19 Q. What did they tell you when they
20 called you for the assignment and you said that you
21 wouldn't take it because you were too tired?

22 A. They didn't say anything. They
23 just said well, that was okay, and that was all I heard
24 about it. I thought they would call me at four o'clock.
25 There were several ships waiting for pilots. I was
26 quite willing to go when I had three or four more hours'
27 sleep.

28 Q. When you called the next morning,
29 you say, at nine o'clock you were told that you were
30 marked as unavailable?



1 English

2 A. Yes, that is right.

3 Q. And what happened?

4 A. Well, I sent a wire to Ottawa
5 saying that I thought we were being overworked.

6 They called me again that night
7 when my 24-hours' unavailability had expired. I was
8 called again that night to take another ship.

9 Q. Do you know whether there was
10 still a congestion of ships at the time at Port Weller?

11 A. Yes, I believe there were.

12 Q. You don't know for sure?

13 A. Well, no, I don't know; but at
14 that time there was a congestion mostly all the time.

15 Q. Then, I understand you lost one
16 day's pay?

17 A. That is correct; and, being Scotch,
18 I didn't like the idea of it.

19 Q. I have filed here certain correspond-
20 ence exchanged between you and the Department and the
21 Civil Service Association. Did you consult any other
22 person with regard to this case at the time?

23 A. No, I don't believe I did. I
24 talked to Captain Watson on the phone and, of course, he
25 took it up with the Civil Service Association.

26 Q. And did the representations which
27 were made on your behalf, or which you made yourself,
28 bring any change in the disciplinary measures taken?

29 A. No; there was no change.

30 MR. LALONDE: Thank you.



English

CROSS-EXAMINATION BY MR. BRISSET:

Q. Captain, when did you become a pilot in the Port Weller District?

A. In April, 1959; that was for the government.

Q. You didn't work in 1958?

A. No.

CROSS-EXAMINATION BY MR. JACQUES:

Q. According to this correspondence, which is Exhibit 1058, you were called at 9:00 P.M.; is that correct?

A. That is right.

Q. When you were called, at what time were you told to report on the ship, on board?

A. That would be -- we got two hours' notice; that would be eleven o'clock.

Q. Eleven o'clock?

A. I don't just recall that; but that would be approximately the time.

Q. And at what time had you got off your previous ship?

A. Well, I had been off ten hours, I believe.

Q. You got off your previous ship at eleven o'clock?

A. Yes; it is in the letter there.

Q. And you had got off at Port Weller?

A. I believe so, yes.



English

Q. And the other ship you were supposed to board was also at Port Weller?

A. Yes; it would be outside.

Q. And you got off at eleven o'clock; and you were told at nine o'clock to report on board at eleven?

A. Yes.

Q. That makes twelve hours, does it?

A. If you take in the two hours I was called, yes; that would be twelve hours from ship to ship.

MR. JACQUES: I am adding two letters to the bundle already filed, and the letters which I am adding to this bundle are a letter dated May 23rd addressed to Captain Watson from Captain Jones, and a copy of a letter dated May 25, 1962, from Captain Watson to the Superintendent of Pilotage in Ottawa.

---Letter dated May 23, 1962 and copy of letter dated May 25, 1962, added to Exhibit 1058.

I should like to file as Exhibit 1059 a detail of the jobs done by Pilot Wilson for the seasons 1962 and 1963, under reservations of my friend's comments as regard Exhibit 1057.

MR. LALONDE: I wish to point out that in the report from Captain Watson to the Superintendent of Pilotage, dated May 25, 1962, it is stated: "At 21.15 hours, May 17, Pilot Wilson was called for duty on the s.s. "ORIENT TRADER" then anchored off Port



1 English

2 Weller awaiting a pilot...."

3 THE CHAIRMAN: That is the day
4 after?

5 MR. LALONDE: The same night. The
6 assignment for which Captain Wilson was called was 9:15
7 for a ship waiting at the harbour.

8 The report concludes: "The reason
9 the ship did not sail until four in the morning of 18th
10 May was because the next available pilot was given a
11 12-hour interval between ships...."

12 COMMISSIONER SMITH: This is the
13 letter of May 23rd, 1962, from Captain Watson to
14 Captain Jones?

15 THE WITNESS: Well, it is the
16 same people. It was addressed to the Superintendent
17 of Pilotage. My friend is the person responsible for
18 the title. The letter dated May 23rd is the letter
19 by Captain Jones to Captain Watson.

20 COMMISSIONER SMITH: What is in
21 the letter?

22 MR. LALONDE: It reads as follows:
23 "I am enclosing herewith a copy of a
24 letter dated May 18th, 1962, received
25 from Port Weller - Sarnia Pilot Thomas
26 Wilson regarding his assignment to pilot
27 the "ORIENT TRADER" on May 17th, 1962.

28 "You will note that Pilot Wilson
29 feels he was not given sufficient time to
30 rest before being called for duty and when



1 English

2 he stated he would proceed to the ship
3 later than the time ordered he was marked
4 'unavailable', thereby losing one day's
5 pay.

6 "It would be appreciated if you
7 would inform this office the time Pilot
8 Wilson returned from his previous
9 assignment (m.s. "DOVALO") and the
10 time he was required to board the "ORIENT
11 TRADER", along with any other comments
12 you may wish to make on this matter, in
13 order that we may prepare an appropriate
14 reply to the letter from Pilot Wilson...."

15 MR. LALONDE: Q. When you were
16 told that you had been cut off one day's pay, was that
17 told to you by Captain Watson or by one of the dispatchers?

18 A. I believe Captain Watson told me.
19 I think I talked to him on the phone around ten o'clock
20 in the morning.

21 Q. Were you told you could appeal
22 this decision?

23 A. Yes; I was told that I could
24 see Captain Jones; that he had taken the matter up
25 with Captain Jones and I could appeal to Captain Jones.

26 MR. LALONDE: Thank you, Captain
27 Wilson.

28 I will call Captain Beatty.
29
30



GEORGE E. BEATTY, Sworn

1 English

2 DIRECT EXAMINATION BY MR. LALONDE:

3 Q. Will you give your age, please?

4 A. Fifty-seven.

5 Q. You are a pilot in District No. 2?

6 A. Yes, I am.

7 Q. I am showing you Exhibit 1047, which
8 has been tabled before this Commission and which
9 appears to be correspondence between you and the
10 Department of Transport about pension fund. Is that
11 the correspondence which was exchanged between you
12 and Mr. Baxter of the Department of Transport?

13 A. That is correct. This first
14 letter -- do you wish to me check the others too?

15 Q. Yes.

16 A. That is correct; and this
17 (indicating) is a copy of mine.

18 Q. I have here a document which
19 appears to be a list of assignments with time on
20 board, time travelling to and from ship and from
21 station to station, or city to city, with tariff earned
22 as per source forms. Would you tell me what this
23 document is?

24 A. This document here is a document
25 compiled by myself, listing the names of each ship
26 that I served on during the year 1963; and it shows
27 the times that I boarded the ship. In this other
28 column it shows the time used in travelling to the
29 ship from my home or the hotel down here; and also
30 the time of travelling from the pilot boat back to my own



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Beatty, dir
(Lalonde)

14535

1 English
2 home after leaving the ship, or wherever I would leave
3 it. The other column here -- "Tariffs earned per
4 source form" -- these are simply taken from the source
5 forms that I have in my possession -- my copy of the
6 tariff.

7 Going through them you will
8 notice they are all in Canadian funds. On the original
9 source form some of them might be after deduction
10 taken off for Canadian funds. That is, if they are
11 made at Port Huron I believe there is seven or eight
12 percent difference; but I didn't recognize that; I
13 listed it as if it had been in Canadian funds.

14 Q. I see. Did you make any trips
15 outside the District during the course of last year?

16 A. No, I did not.

17 Q. I notice in the back of this
18 document you have averages. You have total hours
19 aboard ship, 2,358 hours, plus travelling time to
20 join ships, 187 hours, which gives a total of 2,545 hours
21 for the season 1962. You said you were paid for 219
22 days in the season?

23 A. Yes, that is correct.

24 Q. And you have calculated therefore
25 an average of 11.6 hours per day during the season?

26 A. That is correct, for the entire
27 season.

28 Q. That is including travelling time?

29 A. That is including travelling time.

30 I might say how I arrived at that travelling time. I used



1 English

2 also my expense sheets, copy of my expense sheets. On
3 that, of course, we have it noted the times we board
4 a taxi at the hotel or our home to go to the pilot
5 boat.

6 I would simply take the time that
7 I spent in the taxi until such time as I boarded,
8 actually boarded the ship. Between that and the time
9 I stated on the source form, that is how I arrived at
10 the travelling time.

11 If I was going from Port Weller
12 to Sarnia by train or bus, or however I did go, or any
13 other place, it was the time I left the hotel until I
14 arrived at my destination.

15 Q. All these trips were made between
16 Port Weller and Sarnia?

17 A. That is correct, sir.

18 Q. And the average there is for
19 a seven-day week.

20 MR. LALONDE: I would like to file
21 this document as Exhibit 1060. Work load.

22 THE WITNESS: Excuse me. I figured
23 the averages out by dividing the number of days worked
24 by the hours worked.

25 Q. 219 days?

26 A. Yes.

27 MR. LALONDE: Statement of work
28 load of Captain G. E. Beatty.

29 THE CHAIRMAN: Did you take into
30 account the 3-day leave, the 3-day monthly leave?



1 English

2 THE WITNESS: Yes, sir. That is
3 all in there, because, you see, I divided the hours
4 worked into the 219 days of service that was paid for,
5 and I was paid for the 3 days. It is all included in
6 that. I just divided the time worked, the hours worked,
7 the days worked, into the total amount of hours
8 worked.

9 THE CHAIRMAN: I am asking that
10 because we had a similar document from Captain
11 Albinson.

12 THE WITNESS: Yes.

13 ---EXHIBIT NO. 1060: Document entitled Work Load of
14 Captain G. E. Beatty.

15 CROSS-EXAMINATION BY MR. BRISSET:

16 Q. When did you become a pilot in
17 the Port Weller - Sarnia District?

18 A. In April. April, 1959.

19 Q. Did you serve in 1958 when the
20 Shipping Federation was operating the District, District
21 No. 2?

22 A. I did not, sir.

23 Q. Before 1958 had you been sailing
24 master?

25 A. Yes, I had, sir.

26 Q. In the statistics which you have
27 prepared, filed as Exhibit 1060, I take it it is for
28 the 1963 season?

29 A. That is correct, sir.

30



1 English

2 Q. You show in the second column,
3 after the name of each ship, your time on board?

4 A. That is correct.

5 Q. That includes, of course, the
6 time that you may be sleeping through Lake Erie on the
7 trip either up or down from Sarnia to Lock 7, or from
8 Lock 7 to Port Huron?

9 A. It is the total time spent aboard
10 a ship, as per the source form.

11 Q. You also include, I take it, the
12 time spent in port when you are not relieved immediately,
13 but stay on board and continue with the ship; is that
14 correct?

15 A. Yes, sir.

16 Q. For instance, in the case of the
17 trip on board the vessel "URANIA", which is the fourth
18 one on your list, the trip from either Port Weller to
19 Sarnia or Sarnia to Port Weller was 4 days and 14 hours.
20 That would mean, I take it, that the ship stopped at
21 various ports enroute?

22 A. I am not positive on that one, sir,
23 but there were one or two ships that I did go up to
24 Cleveland or to Toledo on, or Detroit, and then came
25 back on the same ship.

26 I'm not sure if that is one of
27 those ships or not. If not, I must have stopped in
28 passage somewhere, that is for sure.

29 Q. Generally would it be right to
30 consider that when you have, say, more than a day and a



1 English

2 half or two days the ship has stopped in port somewhere
3 if it were a trip between the two limits of your
4 District?

5 A. Yes, that would be correct, either
6 stopped in port or at anchor waiting to go to the pier.

7 Q. In the case of the "NORWIND",
8 which is on the second page of your statement, it
9 appears that you were on that ship for ten days, twelve
10 hours and 45 minutes. Do you recall that particular
11 ship?

12 A. I recall it very well. I would
13 like to have an opportunity to explain to you and the
14 Commission why a trip like that did exist in my own
15 words.

16 Q. I would be interested in knowing
17 if you want to tell us?

18 A. I joined that ship "NORWIND" at
19 Lock 7. Incidentally, I just took it to Port Huron.
20 That is as far as I went with the ship, but I will
21 describe the trip. It was a new, large Norwegian
22 ship, chartered by the Mid East Orient Line, and it
23 was originally bound for Buffalo, but it had too deep
24 a draught to go into Buffalo without having some
25 cargo removed.

26 I might add also this Master had
27 a B certificate which he absolutely refused to use.
28 So I had to go first to Ashtabula. I arrived in
29 Ashtabula in the evening, I believe it was Sunday
30 evening. I am not too sure.



1 English

2 The next morning, they either
3 call them a super cargo or an agent of some sort
4 arrives from New York by the name of Captain Andy.
5 That is the only name I knew him by. He was the
6 Greek man for looking after their line.

7 So in the morning I went to see
8 the Captain. Captain Andy was there, and I asked him
9 what length of time the ship would be in port as I had
10 to report to the pilot office of my movements. So
11 Captain Andy spoke up for the Captain and he said,
12 "It will be going out tonight". I said, "Okay. I have
13 to make my report". I was quite sure it wasn't
14 going out tonight, but it wasn't my business to argue
15 with him, when the ship was going to go, so naturally
16 I phoned to the dispatch office at Port Weller and
17 informed them I was there with a ship, and that I
18 had been informed it would leave that evening.

19 The next morning it was still
20 there, of course. I made another trip to ask Captain
21 Andy and the Master what the situation was --

22 Q. When you say you made another
23 trip?

24 A. Just to their cabin to ask them --
25 I informed them again, "I must again report to the
26 pilot office. I am obliged to report every day in a
27 case like this". I received their answer that it would
28 go that night.

29 Anyway, Captain Andy said, "What
30 are you worrying about?" Either him or the Captain said,



1 English

2 "Don't you like the ship?" I said, "Oh, yes, I like
3 it". I had very comfortable quarters. I was not unhappy
4 at all.

5 Well, Captain Andy said, "You
6 know" -- I said, "You know you are paying \$50.00
7 detention for me staying around like this". And I
8 said, "The Master has a B certificate", and he was
9 only going to be trading Lake Erie for about a week.

10 He said, the Captain said, "The
11 smallest part of our operational cost is the detention
12 of a pilot". He said, "If we have a ship and if a
13 few thousand dollars worth of damage is done to it,
14 it will pay a lot of detentions".

15 I said, "I have to make a report
16 when I am going to go". He said, "Tonight".

17 Q. May I interrupt you?

18 A. Yes.

19 Q. And perhaps suggest this lasted
20 for ten days?

21 A. No, this is just in this one port,
22 Ashtabula. I reported each morning to the pilot office,
23 and on the third day we did sail to Buffalo.

24 So the same procedure went on in
25 Buffalo. I am not too sure how long we did stay in
26 Buffalo, whether it was a day or two days. I had to
27 take the ship from there to the port of Erie, Pennsylvania,
28 and it was in Erie a few days there, and the same
29 procedure went on in Erie. I reported each morning
30 to the dispatcher at Port Weller and informed him.



1 English

2 On the basis of information I
3 gave him, he told me I had no other alternative but
4 to remain on the ship, which I did.

5 In turn, the ship finally went to,
6 I am not sure if it went to Cleveland or not, I am not
7 too positive, but I know we did go to Toledo. Then
8 when we got to Toledo I changed, to report to Port
9 Huron then. I am out of this other District then. But
10 the same thing went on in Toledo.

11 I went to Detroit and the same
12 business went on there, but there was a report went
13 to the dispatch office each day on the strength of
14 information I received from the Master or super cargo
15 or whatever his position was. I seen him on many
16 Greek Line ships, this same man.

17 Q. When did you get off and where?

18 A. I got off at Sarnia, Port Huron,
19 on the pilot boat, and the ship went on from there
20 to its final destination.

21 Q. You weren't asked to proceed on
22 from Sarnia?

23 A. It was suggested that I do, but
24 I said, "No, I would not be able to stay on at the
25 time. They will send a lake man", so they finally
26 didn't take anybody.

27 Q. Were you well rested after this
28 little trip?

29 A. Well, I had a good trip, yes, but
30 I had quite a large ship to handle too. It was a deep



1 English

2 ship, loaded right to the limit. Quite large.

3 Q. Now, there is another one perhaps
4 you will recall. That one is the "OCTAVIA". It appears
5 from your statement you were on board for eight days,
6 ten hours and fifteen minutes. Do you recall the
7 circumstances?

8 A. I think I recall the "OCTAVIA".
9 I think I ended up in Detroit with that ship, and then
10 came back with it after making -- I'm not sure how
11 many ports of call we made on the way. That is pretty
12 well down the list, isn't it? It was in the fall.

13 Q. It is the third one from the
14 bottom.

15 A. Yes. That was in the fall. I
16 remember it well. I took that ship out of Thorold,
17 the boxite dock. I am quite sure I came back on that
18 same ship.

19 MR. LALONDE: Did you make several
20 ports on this ship?

21 THE WITNESS: I am not sure if I
22 did or not, but I remember in Detroit -- I am not too
23 sure how long it was in Detroit, but I know I reported
24 from Detroit what the situation was. I was ordered to
25 remain on board by the office at Port Huron.

26 Q. Now, will you go over your list,
27 Captain, as you know the vessels better than I do,
28 and list for us the ships, if there were any, that were
29 lake vessels of British registry?

30 A. Oh, yes. I didn't have too many



1 English

2 of those. Then vessels were the lake type vessels
3 registered in British ports although most of these were
4 released in the Canal or something like that. Total
5 Canal passages, all the lake ships I had.

6 Q. So that without having counted
7 the ships too accurately, would it be correct to say
8 out of about 60 ships that you piloted during the
9 season 1963, or 60 pilotage trips that you completed,
10 10 were on these lake vessels?

11 A. I believe there is around 70-some
12 odd total, but there are ten that are lake vessels.

13 Q. Whatever the total is. One more
14 question about the two ships on which you stayed
15 respectively ten and eight days. Was there any
16 discussion with your office when you reported every
17 morning an explanation of what was happening?

18 A. Well, I just simply explained
19 that my information was erroneous, that I thought I
20 had been given the wrong information, that I was simply
21 passing on to them the information I received. In
22 turn, of course, I was advised it is the only information
23 they could act on or I either.

24 Q. Did you suggest to your office
25 that perhaps you should be taken off the ship or did
26 your office suggest that perhaps you should go off
27 the ship?

28 A. No, I think because the reason
29 the ports I was in and the length of time I give them
30 of the estimated time of sailing, why, it would have been



1 English

2 impractical; they couldn't have got another man there
3 in time or we would have been crossing on the buses.

4 I think on the "OCTAVIA" I was
5 sitting at anchor off Detroit there for a while too,
6 waiting a berth. I am very sure we were. In fact I
7 am positive. But, you see, the way our source form
8 reads, or at least the way I make mine out, the minute
9 that anchor goes down outside the harbour, that is
10 to all intents and purposes the time I arrive at the
11 port. From then on it is detention.

12 I think in the case of the "OCTAVIA"
13 we were anchored off Detroit waiting the berth. In fact
14 I am very sure we were.

15 Q. In the case of the "OCTAVIA" the
16 fee or pilotage dues earned were \$870.00. How many
17 days' detention would that include?

18 A. Well, I couldn't just tell you
19 that. I think on the "OCTAVIA", as I say, I think I
20 went from Lock 7 to Detroit, and it would be \$100.00
21 for the -- what part of the Canal and what charges
22 they made in the open lake I don't know. I am not
23 too sure unless I had the source form to look at, and
24 there would be pilotage from Southeast Shoal up to
25 Detroit, and vice versa, back, and then detention. It
26 would all have to be broken down before I could answer
27 that.

28 Q. You can't answer that?

29 A. No, I can't.



1 English

2 CROSS-EXAMINATION BY MR. JACQUES:

3 Q. Were you a lake master?

4 A. Pardon?

5 Q. Were you a Master on lake vessels
6 before becoming a pilot?

7 A. A short time for Imperial Oil.

8 Q. For Imperial Oil?

9 A. Yes, relieving.

10 Q. How long were you Master?

11 A. Just a matter of a month or two.

12 Q. A month or two?

13 A. Yes.

14 Q. And you were mate before that?

15 A. Oh, yes, second mate on what-have-
16 you.

17 Q. When did you quit Imperial Oil?

18 A. When I went sailing master in 1953.

19 Q. And you were sailing master in
20 1953 until you joined the pilotage service?

21 A. Well, I was out the year 1958. That
22 is the year the dispute was going on. I was on shore.

23 Q. Oh, I see.

24 A. But outside of 1958 I was on
25 contract to the Fjell-Orange Lines, the Canadian Overseas
26 Shipping.

27 Q. These trips which are listed on
28 Exhibit 1060, are they different from the trips which
29 you made as Master or mate from the point of view of
30 work performed?



1 English

2 A. I would certainly say so.

3 Q. What is the difference?

4 A. Well, it is the difference in the
5 amount of, you might say, responsibility from a mate --

6 Q. Let us say when you were Master.

7 A. Yes, well, the responsibility angle
8 does not change too much. If I may point out to you
9 the difference for instance on the lake ship, if you
10 are a Master on your lake ship you are aboard that
11 ship and every man who is in that crew is an experienced
12 man. He knows exactly what he is doing; the mate
13 knows exactly what he is doing. You hardly have to
14 even open your mouth making a pier or anything else.
15 Everything goes automatically fine.

16 But on a foreign ship -- remember
17 we join these things outside of Port Weller; say,
18 Port Weller for instance; it could be a light ship
19 up at Detour or up at Port Huron -- we walk aboard
20 this vessel in the dead of night. We never saw that
21 ship before. We have to be led up to the pilot house,
22 to be shown on the bridge how you get to the thing.
23 We get on the bridge. We do not know what speedometer
24 he has got. The first thing we do is make a telephone
25 call on the RT to the Guard Gate to get permission to
26 enter.

27 If it is okay to go in you start
28 immediately, get at the head and you are immediately
29 right in heavy navigation right away. You do not
30 know the speed of that ship. You do not know how fast



1 English

2 it will go dead slow. You do not know how good it
3 will back up or if it will back up at all or not. You
4 do not know how much this man on the helm knows, if
5 he is a good helmsman or not. You do not know how
6 well he understands English.

7 Q. That is not applicable in all
8 cases?

9 A. Well, in a good lot of them.

10 Q. If you have a British ship I am
11 sure the man understands English.

12 A. Yes, but a lot of the foreign
13 ships are not British ships, that is for sure. Even
14 on a British ship you do not know the speeds, how it
15 is going to manoeuvre, and that sort of thing.

16 Another thing that is most
17 peculiar is the steering. This has not been mentioned
18 before. On a lake ship in the Canal you can take
19 that ship as slow as you want and keep it steering
20 because they can make their engines go slow enough.
21 But on these big sea ships they are mostly diesel
22 powered and their dead slow -- you might come to the
23 Canal with a big ship and you will say to the Master:
24 "What is your dead slow?" "It is a pretty good dead
25 slow, about four or five knots". That incredible four
26 or five knots in the Canal will smash everything that
27 is in there. You have to completely stop and start
28 and stop and start and as soon as they stop steering
29 you have to give them a little kick to make them go.
30 On a diesel ship when you put a diesel ship in a stop to



1 English

2 slow ahead, the engine has to go full speed first
3 and then they come back to dead slow. If you are
4 going a lot of times --

5 MR. LALONDE: You are talking too
6 fast.

7 THE WITNESS: I am sorry. Dead
8 slow -- they cannot just start and go dead slow; they
9 have to go right away up to forward and then come
10 back.

11 THE CHAIRMAN: Go more slowly.
12 Have in mind that this is very important, this part of
13 your testimony.

14 THE WITNESS: I will try to talk
15 more slowly. I am sort of getting carried away in
16 these things.

17 MR. JACQUES: You have no backing
18 power?

19 THE WITNESS: I would like to tell
20 you of another incident why there is so much of a
21 difference. On one occasion I was called down to
22 Port Weller to pilot a ship in the harbour, to pilot
23 a ship that had already a pilot aboard and another
24 pilot had left that ship because -- anyway, he figured
25 it was not properly equipped or they did not have the
26 proper crew for the Canal. So I was sent down by the
27 dispatch office to see what the trouble was and to take
28 the ship. So when I came down first I enquired what the
29 trouble was with this ship. It was a Greek Liberty,
30 an old thing, you know. They had a man on there for



1 English

2 answering the telephone. There was some sort of a
3 mate off the federal ships. He thought he knew every-
4 thing pretty well but he did not know so much.

5 I asked him what was the trouble
6 with the ship and he said: "There is no reason why
7 this ship could not go up the Canal." He said: "It is
8 properly equipped; the crew is all right."

9 I said: "Who was your other
10 pilot?" The Captain was standing there, a Greek
11 captain. This here sailor gave me the pilot's name
12 and I said: "Well, that is a very good pilot; he
13 is one of the best ones we have and if he got off this
14 ship there is something wrong."

15 So the Captain said: "Now, I
16 will tell you what is wrong." He said: "When we
17 were trying to tie it up we could not get anyone to
18 go out on our landing boom; they are all afraid of
19 it." He could not land any man on shore -- "And I
20 cannot get any man to go on shore with that landing
21 boom, only the bosun."

22 Also this; the other pilot said
23 these men were handling the lines very poorly and he
24 advised me to get some union men from the union --
25 Canadian seamen from the union hall to assist at the
26 Canal. I said: "Are you willing to do that?" He
27 said: "Yes, I am, if we can get them."

28 Well, I called to the Guard Gate
29 and I told them I was on board now and I would like
30 to see the Superintendent of the Canal. So he came



1 English

2 down and I explained the situation to him. I said: "We
3 will not be able to move unless we can get some men
4 from the union hall." So he was able to get two men;
5 that is all he could get. So we got the two men to go
6 out on the booms and assist.

7 Other times when they did not
8 have to go on the booms on the locks, they assisted
9 these other men with the winches. We were able to
10 go up the Canadian way because these fellows were really
11 experienced seamen. That is another thing you run into.

12 MR. JACQUES: Q. May I interrupt?
13 Is every trip like that?

14 A. They are not all like that, but
15 I am giving you the ---

16 Q. Sometimes when you take a ship
17 it has been up the Seaway before?

18 A. Oh, many times.

19 Q. When you spend eight days and
20 four days and three days and ten days and two days
21 on a ship you get to know the ship to a certain extent?

22 A. Oh, you do, when you are on board,
23 after you have been on board for a few days.

24 Q. When you first board a ship off
25 Port Weller and you start manoeuvring the ship you
26 enter an island?

27 A. The first thing I do, I ask the
28 Master---

29 Q. May I finish my question?

30 A. Yes.



English

1
2 Q. And after you run through one
3 lock are you not then able to judge, to a certain extent,
4 the manoeuverability of the ship?

5 A. To a very certain extent. I do
6 not think anyone can learn a new ship after making
7 the lock. At least he has got a lot more ability than
8 I have if he can.

9 Q. And what you do, taking a ship from
10 Port Weller to, let us say, Sarnia, anyway -- just to
11 take one end of the District to the other -- is quite
12 similar to the work which you did as a Master?

13 A. The work? In the courses. I
14 would not say the work is similar; the courses are
15 similar. The places you go are similar, but not the
16 work.

17 Q. You handle the ship in both
18 cases?

19 A. Yes, but you have a different type
20 of ship and very little assistance. You are on board
21 that ship by yourself -- that's what you are.

22 Q. Does it take you much longer than
23 on a lake ship for a similar trip?

24 A. No, I do not think it takes us
25 any longer but the risk is greater, the mental strain
26 is greater.

27 Q. On that ten day trip and the eight
28 day trip did you on board those two ships call into more
29 ports than you would have called if you had been Master
30 trading in that area?



1 English

2 A. Oh, no, there is no difficulty
3 with calling into the ports. I was very familiar
4 with all those ports.

5 MR. JACQUES: Thank you.

6 RE-EXAMINATION BY MR. LALONDE:

7 Q. Captain, have you been aboard
8 British ships with non-British crews?

9 A. I have been aboard several
10 British ships with British officers and Chinese crews
11 and with, I believe they call them Lascar crews --
12 like, British officers with, I believe that is the
13 name for them, some nationality from India.

14 MR. LALONDE: May we ask Mr.
15 Renwick whether he knows the spelling?

16 Q. And when you have such crews are
17 the helmsmen British people?

18 A. No, the helmsmen are the
19 nationality, that same nationality. Just the officers
20 are British.

21 MR. JACQUES: Why did you calculate
22 the tariffs earned as per the source form on Exhibit
23 1060, which make a total of \$16,118.50; is that correct?

24 THE WITNESS: Yes. Those are
25 the figures I took off the source forms. Some of
26 our source forms -- take when we would change in the
27 Welland Canal ---

28 MR. JACQUES: Just a minute. I
29 just want to know why you did that?
30



1 English

2 THE WITNESS: To show the amount.
3 It was to calculate the amount of earnings, tariffs --
4 money that I had earned for the Department of Transport.
5 I count that as money that they received for my
6 services.

7 MR. JACQUES: For your production,
8 as it were?

9 THE WITNESS: Yes. that is correct.

10 MR. LALONDE: "Services" is all
11 right.

12 MR. JACQUES: So you produced
13 \$16,118 worth of services on pilotage during that year?

14 THE WITNESS: That is correct.

15 MR. JACQUES: Does that include
16 pre-season and post-season pilotage?

17 THE WITNESS: I did not have any
18 pre-season or post-season pilotage that year.

19 MR. JACQUES: Thank you, sir.

20 MR. LALONDE: Q. What foreign
21 flag lake ships ... I understand you only did the Canal
22 and the restricted waters; is that correct?

23 A. Pardon?

24 Q. You only did the Welland Canal
25 and the restricted waters at the other end of the
26 District; is that correct?

27 A. Yes, the Welland Canal, the rivers,
28 the Detroit and St. Clair Rivers.

29 Q. So you would get off the ship
30 at Port Colborne, or would you carry on aboard the ship?



1 English

2 A. It depends where the ship would
3 be going. If it would be going to Toledo and anywhere
4 past Southeast Shoal, we would have to stay on; but
5 if it was going to Cleveland or someplace there, we
6 would have to get off at Port Colborne.

7 I have heard the term "armchair job"
8 mentioned. They are sometimes "armchair" in the Canal
9 but they are certainly not armchair jobs in the river.
10 You do the whole river and they are pretty well crocks,
11 most of them too. It takes a long time to get from
12 A to B on them.

13 Q. Although they might represent
14 ten trips out of 70 or a little over, I understand the
15 time you spend aboard these lake ships would be much
16 smaller than the total time spent aboard deep sea ships?

17 A. Yes. There are three ships I
18 recall very vividly. There is the "STADACONA". I
19 believe I was on it two or three times -- that was all
20 in the Canal -- and the "LEADALE" was in the Canal once
21 and the "AVONDALE" once. That was strictly Canal.
22 I was on it longer than maybe 12 hours, or something
23 like that.

24 MR. BRISSET: Captain, if these
25 ships are all crocks, so slow, how do you explain
26 that they take less time than the fast ocean ships --
27 they take more time or less time? I was not too sure
28 of what you said.

29 THE WITNESS: They do not take
30 less time in the river. They are very slow, you know.



1 English

2 Most of them are old American ships they have brought
3 over here and registered them under some other flag
4 to enable them to use them, and they are quite slow.

5 MR. BRISSET: So they take more
6 time?

7 THE WITNESS: Oh, they do in the
8 river.

9 MR. BRISSET: So you stay longer
10 aboard than aboard an ocean ship?

11 THE WITNESS: Yes, in the course
12 of the river, but in the Canal there would not be
13 any difference because you can only go so fast in the
14 Canal anyway.

15 MR. BRISSET: Captain, just one
16 more question: Are you a happy pilot or one of the
17 unhappy ones?

18 THE WITNESS: I try to make myself
19 as happy as possible, but I would be much happier
20 with some improvement in the conditions. Also I would
21 feel a little bit more happy if I knew I was making
22 closer to the amount that our American cousins are
23 making doing the same work.

24 MR. BRISSET: What about all the
25 ships you say give you all these worries; is that any-
26 thing to do with your state of mind?

27 THE WITNESS: Well, that was what
28 we used to say in the Navy -- that is what we signed
29 on for, I guess.

30 THE CHAIRMAN: You spoke of the



1 English

2 American pilot's income. Of course, we have not had
3 this information as yet. Do you know how much they
4 made, for instance, in 1962, 1963, individually?

5 THE WITNESS: I could not give
6 you a definite figure on that. I only can go by
7 gossip or what they tell us.

8 THE CHAIRMAN: Do you know what
9 is their net income? I understand they pay their
10 administration, their dispatch and everything; they
11 have to bear everything themselves. Do you know what
12 is the percentage that they have to take off?

13 THE WITNESS: Yes, I think I know
14 pretty well what they do. I understand they take the
15 total tariff and their corporation, or whatever they
16 have, at Port Huron, they pay them out of that 70%
17 of what they earn. The rest goes towards administration.
18 At the end of the year if their operation, if they
19 have been able to operate a little more economically
20 than the 30% -- which I understand they do -- then
21 the balance that is left over is split amongst the
22 different pilots on a percentage basis to the amount of
23 work that they have done.

24 THE CHAIRMAN: And this has nothing
25 to do with pension?

26 THE WITNESS: No; I believe they
27 have a pension plan but they buy it themselves.

28 THE CHAIRMAN: Themselves?

29 THE WITNESS: Out of their total
30 take, I think; that is what I am led to believe.



1 English

2 THE CHAIRMAN: Yes, of course.

3 In relation to their salary it is that much less than
4 yours?

5 THE WITNESS: Yes. It is $6\frac{1}{2}\%$ we
6 gain there.

7 THE CHAIRMAN: Also, if you don't
8 work, you don't have any money.

9 THE WITNESS: No; they are paid
10 for what they work.

11 THE CHAIRMAN: In the ordinary
12 way it is all right, but when there is a strike or
13 a disaster or something they are not paid?

14 THE WITNESS: That is correct.

15 THE CHAIRMAN: They don't have
16 the security you have. This is one angle?

17 THE WITNESS: Yes, I realize that.
18 I look at that angle, too.

19 THE CHAIRMAN: Of course, we haven't
20 got all the figures out, but this will be done.

21 MR. JACQUES: One last question:
22 If someone were to prove to you that in the long run
23 you make more money than the Americans, would you be
24 happy with the situation?

25 A. I would be happier than I am; but
26 I still would like to have a little better hours of
27 working.

28 Q. But would you be happier if you
29 knew you were making as much as the Americans?

30 A. Well, I would be happier if it could



1 English

2 be proved to me that we were getting our share of
3 the earnings in comparison with the Americans. I
4 would like that better.

5 Q. Talking of your hours of work,
6 when you were a Master did you put in longer hours
7 on the bridge than you do as a pilot?

8 A. Sometimes. It depends ...

9 Q. Yes; it varies?

10 A. Yes; but on lake ships the
11 officers you have there know the job practically as
12 well as you do yourself.

13 Q. You are more comfortable in your
14 job?

15 A. Yes; you don't have to be
16 concerned so much with explaining every detail and
17 seeing that they do it.

18 Q. You work as a team?

19 A. That is correct.

20 Q. But the number of hours on the
21 bridge would be roughly the same, on the average?

22 A. It could be, yes; it depends
23 what trade you would get into.

24 Q. In a trade similar to the one which
25 might exist in the District?

26 A. I think that probably on the lake
27 ships -- they wouldn't be confined so much to the
28 hard and fast plugging up and down the Welland Canal.
29 They would get a longer run, or they would have more
30 time on the open waters, and when they are on the open



1 English

2 waters the Master can get a pretty good rest.

3 Q. But in this District it would be
4 roughly the same thing?

5 A. Very much so, I think.

6 MR. JACQUES: Thank you, Captain.

7 MR. LALONDE: Would you prefer
8 to be paid for what you do -- to collect your whole
9 pilotage dues -- than being on a salary basis like
10 you are now?

11 THE WITNESS: Well, this is only
12 my own opinion, remember

13 MR. LALONDE: Yes.

14 THE WITNESS: ... and it might
15 not rest well with some people -- I don't know -- but
16 in my own opinion I would rather work for a stated
17 salary if the salary was adequate.

18 MR. LALONDE: Thank you.

19 RE-EXAMINATION BY MR. BRISSET:

20 Q. Are you a member of the Corporation?

21 A. That is correct.

22 Q. You are an officer; is that
23 right?

24 A. Yes, that is correct.

25 Q. If the pilots in the District,
26 instead of being in the pay of the government were to
27 receive the pilotage dues that they earn, would you
28 be happy to see these pilotage dues paid to your
29 Corporation for the rest of your life, for distribution
30 eventually?



1 English

2 A. Yes, I would be; I would, I
3 think, yes.

4 THE CHAIRMAN: Of course, there
5 has always to be an incentive -- if an incentive could
6 be given even with a salary.

7 Thank you very much, Captain Beatty.

8 MR. LALONDE: I don't know if
9 you wish to recall Captain Stevenson, My Lord. We
10 have only ten minutes to go if we are going to finish
11 at 4:30.

12 I would personally prefer to
13 adjourn, if you don't mind.

14 THE CHAIRMAN: Well, we still
15 have ten minutes at your disposal if you have anything
16 else.

17 MR. LALONDE: No.

18 THE CHAIRMAN: Thank you very
19 much, and we will resume, as you know, in Toronto next
20 Monday. The schedule next week is pretty well taken
21 up....

22 MR. JACQUES: I might say a word
23 about the roll for next week.

24 It is full until Thursday the 19th.
25 Depending upon the representations which may be made
26 by various harbour commissions, there is a slight
27 possibility that March 20th would be available, and if
28 it is so, then Captain Stevenson will continue his
29 evidence on March 20th. In the negative, we will start
30 with the Toronto people as per schedule on April 6th and



1 English

2 then we will readjust the schedule for the rest of
3 the hearing.

4 THE CHAIRMAN: Yes. Then,
5 everybody who has anything to say will be given an
6 opportunity to say it. It is only a matter of
7 organization, because it is impossible to have everyone
8 speaking at the same time and on the same date; and
9 sometimes we think a witness will be on the stand for
10 only a few minutes. As it was with Captain Beatty,
11 we thought it would be only a few minutes, but not
12 only the ship but even the attorneys were carried away!

13 We will adjourn until Monday
14 morning at ten o'clock in Toronto.

15 ---THEREUPON THE HEARING WAS ADJOURNED AT 4:20 P.M.

17 -----



ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Monday, the
16th day of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. J. Mahoney	for Dominion Marine Association
Mr. Colin Mason	for Dominion Marine Association

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-14563-

ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

263 McCall Street,
Toronto, Ontario;
March 16, 1964.

1 THE CHAIRMAN: Looking around I think
2 most of you have been with us; we will come back to
3 the formalities this morning.

4 For those who do not know exactly what
5 we are and what we do, we have been appointed on this
6 Royal Commission in order to find out, at the request
7 of the Government, what is pilotage in Canada in order
8 to make recommendations that may create some changes
9 in the Canada Shipping Act.

10 The first task we have, therefore, is
11 to define what is pilotage in Canada. In order to do
12 so we were obliged to go across the country where
13 pilotage is in order to find out how the people
14 are living the facts, who are making them what they
15 are because it is of no use making recommendations if
16 they are not based on real facts.

17 ^{proven}
18 In the past we have adopted the time-/
19 procedure of the Courts. That is, evidence under
20 oath, with cross-examination, and so far we may say
21 that we are satisfied with this procedure because we
22 have obtained some valuable information; it takes a
23 long time, but we think we are gathering valuable
24 facts.

25 Here in Toronto we are opening the
26 last chapter of the hearings outside of Ottawa. So
27 far we have been all across Canada. We started a year
28 and a month ago on our public hearings in Charlotte-
29 town on the 11th of February.

30 After that we have been all across



1 Canada. We went to British Columbia and back to the
2 Maritimes, Newfoundland, and then we started the St.
3 Lawrence Seaway, and we are now on the Great Lakes.

4 During that time also we found time
5 to go even to Churchill. I may say that prior to
6 the freeze-up, we toured the Great Lakes area, and we
7 have been at every place where there is pilotage in
8 order to meet the people and get acquainted with the
9 people.

10 We are now sitting here in Toronto to
11 finish up getting the evidence. After this we will
12 have another public hearing in Ottawa which may last
13 a few weeks in order to tie up all the loose ends
14 which we have left, and to hear also all evidence that
15 people we have met or those we have not met would
16 think important to bring to our attention.

17 It is a Commission of inquiry, and it
18 is up to us to find out what the facts are--we do not
19 know yet what they are--and any help to be had from
20 those people would be very much appreciated. There-
21 fore we expect in Ottawa to hear anybody who has found
22 that something else should be said or something else
23 should be brought to our attention.

24 Will you carry on, Mr. Jacques?

25 ---
26
27
28
29
30



1
2 JAMES SYDNEY BARRICK, sworn

3 DIRECT EXAMINATION BY MR. JACQUES:
4

5 Q I believe you gave evidence in
6 Montreal, and your district, the eastern limits of
7 your district extend to Ottawa?

8 A That is correct.

9 Q Would you tell us where the west-
10 erly limit of your district extends? You have the
11 Great Lakes chart behind you.

12 By the way, I am told that your
13 occupation was not given. You are District Marine
14 Agent, Prescott?

15 A That is correct.

16 Q Yes. Would you indicate on the
17 chart?

18 A It extends from the east end of
19 Beauharnois Canal, through Lake Ontario, Lake Erie,
20 Lake St. Clair, St. Clair River to Point Edward.

21 Q So your district includes all the
22 waters between Sarnia and Kingston at least?

23 A Yes. Actually between Sarnia and
24 Kingston, that is correct.

25 Q Only the Canadian waters of course?

26 A Only the Canadian waters.

27 Q I believe that you are in charge
28 of all aids to navigation?

29 A That is correct.

30 Q We have a list of these aids in the



Barrick, Dr Ex
(Jacques)

1 various government publications, and we would be in-
2 terested in the record of performance of these aids.

3 I believe you have prepared statis-
4 tics on that?

5 A Yes. Over the past five years. I
6 haven't got complete statistics, but for last year,
7 for instance, out of 95 floating aids -- these are
8 buoys -- we had ten reported out. Roughly 10 percent.

9 In the last five years this has
10 worked out to about the same average, about 10 percent.

11 Q 10 percent figure of your floating
12 aids?

13 A Yes.

14 Q You mean you only have 95 buoys?

15 A That is correct. This is between
16 Kingston and Sarnia.

17 Q 95 buoys?

18 A Lighted buoys.

19 Q And the rest of the aids, what
20 nature are they?

21 A Well, they are onshore beacons,
22 unwatched lights. There are 120 unwatched lights and
23 23 light stations.

24 Q What is the performance record of
25 those aids?

26 A These all have standby equipment.
27 If we have a power failure, then you will have
28 emergency light that takes over.

29 Q All your shore aids are fitted with
30



Barrick Dr Ex
(Jacques)

1 emergency equipment?

2 A That is correct.

3 THE CHAIRMAN: Of course in the
4 Sarnia district we have the American side also.

5 THE WITNESS: Yes. This is all
6 international waters from Sarnia right through to
7 -- well, you can say Port Colborne.

8 THE CHAIRMAN: You are looking also
9 only after the Canadian side?

10 THE WITNESS: Just the Canadian
11 side, yes.

12 MR. JACQUES: Q How long has this
13 emergency equipment been in operation in your district?

14 A Roughly five years. We have had
15 them all changed over. Some of them at one time did
16 not have emergency lights, but now they all have.

17 Q They are all equipped with that?

18 A Yes.

19 Q We have had evidence to the ef-
20 fect that this emergency equipment did not function
21 as it should and it was subject to failures. Have
22 you experienced any failure in emergency equipment?

23 A This could be true at one time,
24 but now the equipment has been changed. There have
25 been new developments in it in the last five years,
26 which makes your emergency optic as brilliant as your
27 main optic.

28 In other words, when you have a
29 power failure due to hydro, your emergency operation
30



Barrick Dr Ex
(Jacques)

1 is of the same brilliance as your standard light.

2 Q It is battery-operated?

3 A It is battery-operated. In other
4 words, you are using the same optic. You don't change
5 the optic. At one time they did change the optic,
6 but they don't know.

7 Q Would you describe your mainten-
8 ance system, please?

9 A Well, of course this is seasonal
10 operation. Buoys are put in at the beginning of the
11 navigation season. Then they are actually checked at
12 least once a day to see that they are in operation.

13 Q They are checked once a day by
14 whom?

15 A Some of them are under buoys con-
16 tractors, and it is their responsibility to check
17 them once a day to see that they are in operation;
18 the other ones are operated by our own Department and
19 are done by our own staff.

20 Q Once a day also?

21 A Yes.

22 Q How is that done?

23 A Visual inspection by ship or by
24 land.

25 Q By ship or by land?

26 A Yes.

27 Q What is the longest time any aid
28 has been out, any floating aid has been out in the
29 district?
30



Barrick Dr Ex
(Jacques)

1 A I would say the longest would pos-
2 sibly be eight hours.

3 Q How quickly can you get any float-
4 ing aid in operation once it is reported out by anyone?

5 A A maximum of two hours.

6 Q Maximum of two hours?

7 A Yes.

8 Q Are your buoys or your floating aids,
9 all the shore aids fitted with radar reflectors?

10 A Some of the floating aids are; not
11 all of them.

12 Q What guided the choice of fitting
13 these aids with radar reflectors?

14 A Principally it is a point where
15 there is an alteration of course or where there is
16 some obstruction shoal that should have special
17 attention.

18 Q I am advised there is now a system
19 in force whereby a signal can be transmitted on the
20 radar screen from a floating aid or shore based aid.
21 Have you any such equipment?

22 A No.

23 Q Is there any thought of installing
24 some?

25 A Not that I know of.

26 COMMISSIONER SMITH: Is there a
27 marine depot still at Prescott?

28 THE WITNESS: Yes, there is.

29 COMMISSIONER SMITH: Is that equipped
30



Barrick Dr Ex
(Jacques)

1 for all the various types of aids to navigation?

2 THE WITNESS: Yes.

3 COMMISSIONER SMITH: Including the
4 electronic end of it as well?

5 THE WITNESS: Some electronic gear,
6 flashers, and bulb changers, but this is the only one.

7 MR. JACQUES: Q Have you any radio aids?

8 A Yes, sir.

9 Q How many of them do you have?

10 A I haven't a count of them, but I
11 believe there is -- there are seven altogether.

12 Q Seven radio aids in your district?

13 A I am talking about the part of the
14 district between Kingston and Sarnia.

15 Q I am advised that the Dominion
16 Marine Association has a meeting or joint meeting each
17 year to discuss improvements of aids to navigation in
18 your district; is that correct?

19 A Not in my district, no. This is
20 held in Ottawa.

21 Q In Ottawa?

22 A Yes.

23 Q Do you attend these meetings?

24 A I have. I haven't for the past
25 two years, but I have attended them previous years.

26 Q To the best of your knowledge
27 during the past five years have these meetings re-
28 sulted in changes in aids to navigation, improvements
29 in aids to navigation?
30



Barrick Dr Ex
(Jacques)

1 A Yes.

2 Q Have you received representations
3 from various pilots' associations concerning these
4 aids?

5 A No.

6 Q You have never?

7 A No.

8 Q Have you sought the opinion of
9 pilots on these aids?

10 A Yes.

11 Q You have?

12 A Yes.

13 Q Would you tell us more about that,
14 please?

15 A Well, my principal contact as far
16 as pilots are concerned is Captain Edwards, who is
17 superintendent of the Cornwall District. There are
18 two pilots who live in the Prescott area, and I have
19 taken the opportunity in the winter time to contact
20 them, to have a chat with them. This is my only
21 contact with the pilots.

22 Q It is not a formal contact I take
23 it?

24 A No.

25 Q An informal affair?

26 A Strictly informal.

27 Q Have you prepared a statement of
28 obstructions in navigable waters in your district?

29 A For last year there were no
30



Barrick Dr Ex
(Jacques)

1 permanent obstructions. There were temporary ones.
2 Principally, hydraulic dredging scows that broke
3 loose due to poor mooring practice. The only two
4 different from that, two pleasure cruisers that went
5 aground in the district.

6 Q What area?

7 A One was in Toronto east gap, and
8 the other was in the Kingston area.

9 Q Did they interrupt navigation?

10 A No.

11 Q Did they impede --

12 A They did in Toronto east gap. I
13 think it was about a matter of ten hours before it was
14 removed.

15 Q Pardon?

16 A It was a matter of roughly ten hours
17 before it was removed in Toronto east gap, but the one
18 in the Kingston area was not in the main shipping area.

19 Q Aside from that?

20 A There were no others.

21 Q Do you issue notices to shipping
22 over the radio?

23 A Yes.

24 Q You do? Would you describe the
25 procedure which you follow?

26 A Well, if there is any obstruction
27 to navigation or any of the aids are reported
28 extinguished, notice to shipping is made out, which
29 is broadcast from the radio station closest to the
30



1 area affected. This broadcast is repeated until the
2 aid is repaired.

3 Q When the aid is repaired, is there
4 a broadcast to that effect?

5 A No.

6 Q There is no broadcast?

7 A No.

8 Q So a mariner must assume if he
9 does not hear the broadcast any more the aid is re-
10 paired?

11 A The notice reads, the normal word-
12 ing is that such-and-such an aid is reported ex-
13 tinguished and will be repaired without further
14 notice.

15 Q These are broadcasts. Do you also
16 receive written notices?

17 A Yes.

18 Q At the same time you receive the
19 broadcast?

20 A Yes.

21 Q Where are these available to
22 mariners?

23 A They are sent to all the locks and
24 to the pilotage offices in the district concerned;
25 they are also mailed to the shipping companies.

26 Q I understand that there is a dif-
27 ference between the Canadian buoy system and the
28 American one; is that correct, in the size, shape and
29 colour of the buoys?
30



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Barrick Dr Ex
(Jacques)

1 A There is no difference in the inter-
2 national waters. There is no difference in the colour-
3 ing of buoys. There are some slight differences in
4 the size of the buoys, but this is the only difference
5 that I am aware of.
6
7
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Barrick Dr Ex
(Jacques)

1 A Yes.

2 Q How is there any ~~channel~~ of inform-
3 ation or system set out for co-operation between you
4 and your American counterpart?

5 A Yes.

6 Q Would you explain how it works?

7 A In some respects ~~informal~~ talks.
8 I was recently in Cleveland and they have a Chief of
9 Aids for the Cleveland district and normally once a
10 year we get together and discuss certain sections of
11 the international water.

12 Q Is that informal or is that a
13 formal meeting set up under some sort of procedure?

14 A No, these are informal meetings.

15 Q How do you work on notices to
16 shipping with the Americans? Do you pass on the in-
17 formation to them and do they pass on the information
18 to you for broadcasting over Canadian stations?

19 A Almost all of our notices -- I
20 would say all of them that deal with aids to navi-
21 gation and international waters, we pass the inform-
22 ation on to the American authority, which in this case
23 is Cleveland district.

24 Q Is the reverse also true?

25 A Yes, this is true. Occasionally
26 we will broadcast a notice if requested to do so by
27 them.

28 Q In what cases would you do that?

29 A It is normally in locations where
30



Barrick Dr Ex
(Jacques)

1 they have not a radio station handy to the area.

2 Q I see.

3 A One example is the Iroquois or
4 Cardinal station.

5 MR. JACQUES: Thank you, sir.

6
7 CROSS-EXAMINATION BY MR. BRISSET:

8 Q Mr. Barrick, you were speaking of
9 obstructions that occur in your waters. Was the
10 Montrose when she was sunk on your side of the river
11 or on the American side?

12 A On the American side.

13 Q That was in the Detroit River?

14 A That is right.

15 Q Were you issued notices to mariners
16 on your side of the river in connection with this
17 casualty and the obstruction caused thereby?

18 A To the best of my memory I think
19 we did, yes.

20 Q Does it happen that floating aids
21 are displaced by ships in your section?

22 A Yes.

23 Q When this happens what is the pro-
24 cedure adopted for reporting and so forth?

25 A Well, as soon as it is reported to
26 us, as soon as we have knowledge of it, we replace
27 it on station.

28 Q Are there any instructions issued
29 by your department, say, to pilots or ships asking
30



Barrick Cr Ex
(Brisset)

1 them to report any such displacements of buoys?

2 A Yes. This is in your "Lights and
3 Fog Signals, Inland Waters". This is one of the --

4 Q This is one of the rules?

5 A One of the notes in here, yes.

6 Q As far as the American side is
7 concerned in your district or section am I right in
8 understanding that the main office or centre is in
9 Cleveland?

10 A Yes. It handles -- I believe
11 everything from Cape Vincent to the Head of the Lakes
12 comes under that district.

13
14 RE-EXAMINATION BY MR. JACQUES:

15 Q Does it happen that floating aids
16 are displaced by current or ice or by ships?

17 A Occasionally, yes.

18 Q Who checks on the position of these
19 aids, your crew which checks to find out whether
20 they are operating or not?

21 A Well, if it is reported by a ship
22 -- it is normally reported by the ship that dis-
23 places it or another ship that is following along and
24 notices that it is out of position will notify the
25 closest post station normally and then we would put
26 it back on station.

27 Q Are there any floating aids the
28 displacement of which would create extreme confusion
29 for the mariner passing through the area?
30

Barrick Re Ex
(Jacques)

1 A This could happen, yes.

2 Q In which area?

3 A Well, it would be in the narrow
4 sections of the Seaway chanel and the area where your
5 ~~channel~~ channel is probably a thousand feet wide. Then it
6 could cause some confusion.

7 Q I see. Are these aids installed
8 so that they can be used in conjunction with shore-
9 based aids such as range lights supplementing the
10 buoys or vice-versa?

11 A There are range lights that supple-
12 ment the buoys, yes, but you would not use a floating
13 aid and a shore aid to complement one another.

14 Q To complement one another?

15 A No.

16 Q Say on a difficult turn in the
17 river; there would be a buoy, as you mention?

18 A Yes.

19 Q Radar-reflected?

20 A Yes.

21 Q At the same time there would be a
22 shore-based aid in the vicinity on which the navigator
23 could check his position?

24 A Yes; there are positions like that,
25 yes.

26 Q In all cases it is like that?

27 A I would say yes, in all the dif-
28 ficult turns. There is usually something else that
29 they can --
30



1 Q Get a bearing on?

2 A Get a bearing on -- either a steer-
3 ing light or a set of range lights.

4 MR. JACQUES: I see; thank you,
5 sir.

6
7 CROSS-EXAMINATION BY MR. LALONDE:

8
9 Q Do you have a number of displaced
10 buoys which were reported to you last year or in pre-
11 vious years, or displaced aids to navigation generally?

12 A I have not, no. Actually last
13 year in the district between Kingston and Sarnia there
14 were no displaced aids to navigation. There were ten
15 outages, but no displaced buoys.

16 Q The figures you gave before as to
17 the number of floating aids and shore aids, all are
18 related to the area of your district between Kingston
19 and Sarnia?

20 A That is right.

21 Q The other information was given in
22 Montreal so far as Kingston --

23 A Yes.

24 Q You stated that any buoy could be
25 reached within?

26 A Two hours.

27 Q Two hours, yes. Do you have
28 persons responsible locally for keeping an eye on
29 those buoys and fixing them if they go wrong?
30



Barrick Cr Ex
(Lalonde)

1 A Yes.

2 Q How many people do you have em-
3 ployed in such a function?

4 A Well, I cannot tell you exactly.
5 We have three contractors between Sarnia and Port
6 Colborne. How many people they employ I have not any
7 idea. But we have our own two ships that operate in
8 the area between Port Weller and Kingston.

9 Q What are they responsible for mainly,
10 aids on Lake Ontario itself?

11 A Yes, Lake Ontario and Lake Erie.
12 Well, the contractor looks after Lake Erie.

13 Q If I understand you correctly there
14 would be no buoys on Lake Ontario and Lake Erie itself,
15 would there be?

16 A Very few. There is a few in Lake
17 Erie but very few on Lake Ontario.

18 Q All of these buoys could be reached
19 within two hours?

20 A Yes. On Lake Ontario the only buoys
21 that we have actually in the lake are in the vicinity
22 of Main Duck Island, which are up in here (indicating).

23 MR. JACQUES: When you say "here"
24 what do you mean?

25 THE WITNESS: Main Duck Island.

26 MR. LALONDE: Q Yes?

27 A And at the entrance to Port Weller,
28 Toronto and Burlington.

29 Q I see.
30



Barrick Cr Ex
(Lalonde)

1 A So these are easily available from
2 any of these areas in two hours.

3 Q Do you use the system of contractors
4 between Kingston and Cornwall, or is it only on the
5 Lakes?

6 A It is just on the Lakes.

7 Q Are you satisfied with the op-
8 eration of that system?

9 A Yes.

10 Q Do you have staff available for
11 fixing your buoys the same way during the week-end as
12 during the week itself -- that is, from Friday to
13 Monday morning?

14 A You mean, for repairing them?

15 Q Yes.

16 A Yes. We have a standby staff on
17 week-ends.

18 q Are there the same number of
19 people available on the week-end as through the week
20 for repair purposes?

21 A No.

22 Q What do you have in the week-end?

23 A We have two mechanics, marine
24 signals and a truck driver, vehicle driver.

25 Q Do I understand that your two boats
26 are not available at the week-end?

27 A Yes, they are. They are available
28 on four or eight hours' notice.

29 Q I see. Do you know whether your
30



Barrick Cr Ex
(Lalonde)

1 contractors have similar arrangements that they provide
2 service at the week-end?

3 A Yes, they are required under contract
4 to do so.

5 Q I understand that the Colchester
6 Reef light was fixed for most of 1962 contrary to its
7 characteristics and now that it is flashing again.
8 Have you been aware of this situation some time in
9 1962?

10 A This is Colchester light?

11 Q Colchester Reef light.

12 A Colchester Reef light. Well, I was
13 not aware that it had ~~incorrect~~ characteristic on it.

14 Q I understand that this has been
15 corrected, however, but it was like this for most of
16 1962.

17 A I was not aware of it.

18 Q You were not aware of that?

19 A No.

20 Q You did not have any report to that
21 effect or any complaint?

22 A No.

23 COMM SMITH: Witness, I would like
24 to ask in connection with the depot at Prescott, do
25 you have any equipment that would service or help to
26 service or help to maintain radar, or would that be
27 out of your line?

28 THE WITNESS: No, this is not in our
29 department, sir. This comes under tele-communications
30



Barrick Cr Ex
(Lalonde)

1 in Transport. They look after our radar equipment for
2 us.

3 COMM SMITH: They do not have any
4 station or location in Prescott for that purpose?

5 THE WITNESS: No. The closest one
6 is Ottawa. They have a repair station in Ottawa.

7 THE CHAIRMAN: With regard to radar,
8 your sole responsibility now is to provide targets and
9 radar reflectors?

10 THE WITNESS: That is right.

11 THE CHAIRMAN: And you do not have
12 any shore-based radar or any electronic reflector
13 equipment, if I can put it that way?

14 THE WITNESS: No.

15 THE CHAIRMAN: So this is not in
16 your aids to navigation as yet?

17 THE WITNESS: No.

18 MR.LALONDE: Q When you have a
19 report about outages, do you broadcast this immediately
20 from Cardinal, or do you have to go through another
21 station?

22 A Yes. We are connected by teletype
23 to the coast stations. We pass this on the teletype
24 to them with instructions to broadcast for three days,
25 whatever we consider necessary.

26 Q What are the areas from which broad-
27 casts are made?

28 A Well, starting at Kingston; there
29 is a station at Kingston, one at Toronto, one at
30



Barrick Cr Ex
(Lalonde)

1 Port Burwell and one at Point Edward.

2 MR. LALONDE: Thank you.

3 THE CHAIRMAN: Are there any further
4 questions of Mr. Barrick?

5 Thank you, Mr. Barrick.

6
7 ---WITNESS WITHDREW
8

9 FLEETWOOD KINGSLEY McKEAN

10
11 DIRECT EXAMINATION BY MR. JACQUES:
12

13 Q You are district marine agent,
14 Parry Sound?

15 A That is right, sir.

16 Q You may be seated if you wish.
17 How long have you been district marine agent?

18 A Since 1951.

19 Q Have you had sea experience for
20 that?

21 A No. Actually I am a professional
22 engineer.

23 Q Would you first describe your
24 district, sir?

25 A My district extends from Sarnia to
26 the Lakehead. The principal Lakes are Lake Huron
27 Georgian Bay and Lake Superior. I also take in some
28 as the inland lakes like Lake Winnipeg, Lake-of-the-
29 Woods and Lake Nipissing for pilotage. We have some
30



1 agency offices at Port Arthur, Selkirk and Kenora.

2 Q The last two which you mentioned
3 are not on the Great Lakes?

4 A Just Port Arthur, but in that con-
5 nection we also have certain -- it is similar to sub-
6 agencies which give us assistance in the Canadian
7 canal at Sault Ste Marie. They also give us assist-
8 ance in that area as far as aids to navigation is
9 concerned.

10 The sub agency at Port Arthur looks
11 after the Lakehead area.

12 Q What are the natures of the aids
13 to navigation which you have in your district -- float-
14 ing and shore-based, I presume?

15 A Yes; we have shore-based aids
16 manned and ~~unmanned~~, ranges and floating aids in the
17 nature of buoys.

18 Q What are the shore-based aids
19 manned?

20 A Again, sir?

21 Q Which aids are manned and which are
22 not among your shore-based aids?

23 A The shore-based aids which are
24 manned consist of light stations, fog alarm plants
25 and sometimes radio beacons. Most of the unmanned
26 stations are simple lights.

27 Q Are simple lights?

28 A Lights.

29

30



McKean Dr Ex
(Jacques)

1 Q Are all your shore-based fitted with
2 emergency equipment?

3 A Not all of them; but they are on
4 the important channels.

5 Q On the important channels?

6 A Yes.

7 Q What would you call an important
8 channel?

9 A The important channels are the main
10 shipping routes from up Lake Huron into Georgian Bay
11 and along the north shore of Lake Superior.

12 Maybe I could elaborate on that.

13 Q Yes.

14 A We do have a great deal of secondary
15 channels lying along the Lake Huron north shore here.
16 That is strictly for pleasure traffic in the summer;
17 and you will all know the 30,000 Islands between
18 Midland and Parry Sound; and that is for pleasure
19 traffic.

20 Q And in those areas your shore-based
21 aids would not be fitted with emergency equipment?

22 A Not very often. Sometimes they
23 are, but we don't make a practice of going into the
24 expensive equipment.

25 Q And is this emergency equipment of
26 the same quality as the standard aid once it is in
27 operation?

28 A Yes.

29 Q Have you records of failures of
30



McKean Dr Ex
(Jacques)

1 emergency equipment?

2 A Yes, we have. It is usually some
3 difficulty that is hard to search down. After a
4 period of experiences on this difficulty we usually
5 manage to make it function so that it is dependable
6 from there on.

7 Q Have you a record of the performance
8 of all of your aids to navigation?

9 A Unfortunately I don't have that here.
10 I had them made up and I find that it isn't among my
11 papers.

12 Would you like me to mail it down
13 to you later?

14 Q Yes, you could.

15 A I can give you a pretty good idea
16 of it.

17 Our failures amount to -- we have
18 330 aids in the area under discussion and our failures
19 amount to about 10 percent.

20 Q Of the total number of aids?

21 A Yes.

22 Q What about the floating aids now?

23 A Yes; about 10 percent of them too.

24 Q Of the floating aids also?

25 A Yes.

26 q Do you recall the longest time that
27 an aid has been reported out of operation, or out of
28 position?

29 A No, I can't recall that figure; but,
30



McKean Dr Ex
(Jaques)

1 as I say, it would be about 10 times during the year
2 when it was reported that something -- a light -- had
3 failed, or was out of position.

4 Q Would you describe the system of
5 maintenance of these aids and repairs to emergency
6 equipment?

7 A We have at the main depot in Parry
8 Sound -- we have technicians and vessels attached to
9 the agency, ~~they~~ they are not always stationed at Parry
10 Sound, of course, and at the various places we have
11 people who look after the aids.

12 Q Are those employees of the depart-
13 ment, or contractors?

14 A Sometimes they are employees of
15 the department and sometimes they are contractors.
16 In certain positions we have our lightkeepers keeping
17 a buoy under observation. In the canal at Sault Ste
18 Marie we have the Canadian Canal Authority to look
19 after things for us.

20 In other areas, we have light-
21 keepers to keep buoys under observation and people
22 who simply look after one or two unwatched lights.

23 Q And is this service operated seven
24 days a week?

25 A Yes.

26 Q And is the repair service also
27 available seven days a week?

28 A Yes. We find very little difference
29 on a week-end. In fact, I always think that if they
30



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McKean Dr Ex
(Jacques)

1 are going out of order they go out on a Sunday!

2 Q Have you aids with radar reflectors
3 and such other equipment?

4 A Yes; all our light buoys in the
5 channels are equipped with radar reflectors.

6 I think there are some within the
7 limits of harbours which are not so equipped.

8 Q Then, what about aids at critical
9 points -- turning points?

10 A I believe we have every major
11 lighted buoy fitted with a radar reflector now.

12 Q Now, at turning points or critical
13 points in the area would the floating aids be sup-
14 plemented by shore aids? In other words, does the
15 navigator have to rely solely on floating aids?

16 A I can't think of any places where
17 they do. There may be some places, but I can't think
18 of a place where it is a restricted channel that it is
19 not buoyed and has land-based ranges to supplement it.

20 Q But if the channel is buoyed would
21 there still be ranges of shipping aids?

22 A Almost invariably all the places
23 where they are going there are ranges or land-based
24 lights.

25 Q Do you have radar aids in the
26 district?

27 A Yes, we have radar beacons.

28 Q Would you have a record of the
29 operation of these radar beacons?
30



McKean Dr Ex
(Jacques)

THE CHAIRMAN: And these were, of



McKean Dr Ex
(Jacques)

1 course, on the Canadian side?

2 THE WITNESS: Yes; actually, I
3 guess two of these were sufficiently close to Mr.
4 Barrick's area, but I do believe they are in Port
5 Huron, above Point Edward in my territory; but they
6 were on the Canadian side.

7 MR. JACQUES: Q Would you know
8 what types of ships were involved? You have mentioned
9 one tug. What would the others be -- lake ships or
10 deep sea ships?

11 A Maybe I had better complete the
12 record by saying that there was another ship in Port
13 Arthur Harbour -- Lakehead Harbour -- which was
14 damaged by being loaded and settling on a boulder on
15 the bottom.

16 I believe that completes the record.

17 Now, that latest one I mentioned in
18 Port Arthur Harbour was a grain ~~dry~~ carrier, a Canadian ship.
19 I can't say who the owners are of some of these ships
20 except for one.

21 Q If you had the name, that would
22 help?

23 A The two at Collingwood were the
24 "Maunoloa" and the "Clement Reiss". They struck the
25 bottom going into Collingwood.

26 "Senator of Canada" took the bottom
27 going into Port McNicholl on the line of the Port
28 McNichol range. The old "Zinnia" of British registry,
29 took to the bottom at the Mission entrance to the
30



McKean Dr Ex
(Jacques)

1 Lakehead Harbour. The "Montcalm" struck bottom
2 east of the Port Huron lightship off Point Edward.
3 The "SASKADOC" and the "CAPONAILLI" at Bay Point Shoal
4 at Sarnia; and the tug W.D. 9653 struck a reef near
5 Battle Island in Lake Superior.

6 Q In any of these cases was there ever
7 any question as to the efficiency of the aids to navi-
8 gation where the ships grounded?

9 A No; there was never any question of
10 that.

11 Q Or the question of absence of
12 dredging?

13 A Just a minute. Some of these cases
14 have not been properly settled yet. In the case of
15 the tug up near Battle Island it was simply a case of
16 it being off the correct course. ~~There were aids to~~
17 navigation on the shoal; it was an off-shore shoal and
18 it had been struck several times before and he should
19 have known that there was danger in the area.

20 Q But there was no question of aids
21 being out of order or being insufficient in that area?

22 A Not in any of these cases I have
23 mentioned this year.

24 Q That brings me to another question.
25 We are given to understand that the level of water
26 on the Lakes varies from month to month or week to week
27 or year to year. Would you have anything to do with
28 the reporting of the level of the water?

29 A Yes. After these two struck at
30



McKean Dr Ex
(Jacques)

1 Collingwood we happened to have a ship in the area at
2 the time and when I had them go out and sound and
3 they confirmed the level given on the chart; and, by
4 the way, the entrance to Collingwood is advertised at
5 twenty feet, and it happened that the master had
6 simply not been correcting for the water level at
7 that date.

8 It so happens that after we found
9 these waters had been lowered, we had installed a water
10 gauge on our dock outside my residence, and I went and
11 looked at the record the day the Maunoloa struck and I
12 found that actually the water was eighteen inches lower
13 at Parry Sound.

14 We put out a lot of notices to ship-
15 ping, which we send around, and I drew everybody's
16 attention to that, the fact that the water was eight-
17 een inches lower that day due to an off-shore wind
18 and asked people either to wait for proper conditions
19 or load accordingly.

20 THE CHAIRMAN: Am I right in as-
21 suming that the water levels in the Lakes are affected
22 by two factors -- one would be the amount of water
23 flowing into the Lakes or getting out of the Lakes,
24 and the second one would be the winds. The first one
25 would be pretty constant, or predictable, but wind
26 could change from day to day?

27 THE WITNESS: Yes; or from hour to
28 hour. I have seen the water -- I have looked at our
29 workboat at Parry Sound tied to the dock and you can't
30



McKean Dr Ex
(Jacques)

1 see the dock; all you see is the cables going to the
2 bollards; and right now that dock is eight feet out
3 of the water. That is due to two factors -- the
4 cyclical which, during a low water period, puts that
5 particular ship out of the water; and at the time of
6 what we call the seiche.

7 COMMISSIONER

8 / MR RENWICK: How many times does
9 this cyclical change the level of the water? Is there
10 several years between or has it been seasonal?

11 A It is seasonal and over a period
12 of years also. I believe I saw Mr. Nadeau with a copy
13 of the Great Lakes survey chart which gives a very
14 good illustration of how the level goes up and down
15 in the Spring; and there is no definite cycle over a
16 period of years.

17 MR. JACQUES: Before you go on I
18 would like to file this document as Exhibit 1061.
19 I believe there has been a similar document filed
20 already in Montreal, but for the purpose of this
21 discussion we have this document showing the three-
22 year cycle and also the conditions for 1964 and 1965.

23 It might be wise to file this one.
24 It is the monthly bulletin of Lake levels for
25 February 1964 furnished by U.S. Army Engineers,
26 District: Lake Survey.

27 ---EXHIBIT NO. 1061: "Monthly Bulletin of
28 Lake Levels", furnished
29 by US Army Corps of
30 Engineers.



McKean Dr Ex
(Jacques)

Yes; please go on.

MR. JACQUES: I was just going to point out the roller-coaster nature of this chart. This black line is the mean or average level of this particular lake which is Lake Erie. The low period will be represented around February and the high period usually occurs about the 1st of July -- May and July; we all know that snow is melting in the woods and this brings it up, and when there is ice there is no running water any more and it goes down; and over a period of years the cycle will gradually drop down; and over another period of years it will gradually come up.

This last three years we have had a low cycle -- very low precipitation in the Great Lakes' basin, unfortunately.

THE CHAIRMAN: Do you think the amount of water taken at Chicago would be of any significance on the level?

A Actually, the amount of water taken at Chicago -- that flows out of Chicago -- is only 2 percent of the total which is going through the river at Sarnia; and it is an appreciable difference.

I have done a bit of enquiry and study on this whole thing through our connection with Port Dauphin and the Great Lakes Institute, and they claim that only a third of the water that falls in the Great Lakes' basin reports in the St. Lawrence River, due to evaporation and transpiration, which is the departure of water into the atmosphere due to



McKean Dr Ex
(Jacques)

1 vegetation.

2 MR. JACQUES: Q Does the Canadian
3 Government publish anything similar to the monthly
4 report which has been filed as Exhibit 1061?

5 A Yes, they do. We like to refer to
6 this one because it has all the highs and lows and it
7 has the average over the last century and the average
8 for the past ten years, and it has the present level.
9 The Canadian chart is just as good but it hasn't got
10 all that data.

11 Q Do you yourself do any work in
12 connection with the publication of these levels?

13 A No, I don't.

14 Q Who does that?

15 A The hydrographic service looks
16 after it. They have water gauges here and there around
17 the area.
18
19
20 -----
21
22
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McKean Dr Ex
(Jacques)

1 About all we do is give them as-
2 sistance, choosing a suitable spot, and advising them
3 where they would really have some meaning. They put
4 in these water level readings, and they report
5 directly to their headquarters in Ottawa.

6 Q Do you know the frequency of public-
7 ation of these readings?

8 A Once a month.

9 Q Once a month only? It is not
10 published every day nor every week?

11 A It can be secured at closer inter-
12 vals by enquiry, but these two bulletins, the Canadian
13 and U.S. bulletins, only come out once a month.

14 Q In your opinion is the frequency
15 of publication satisfactory for shipping?

16 A Yes, I do.

17 Q You have heard evidence given by
18 Mr. Barrick concerning the publication and broadcast
19 of notices to shipping. Do you follow a similar
20 system?

21 A Yes, we have a similar system, but
22 Mr. Barrick's district is quite a bit different than
23 mine. They are concerned with narrow waters, where
24 we have the open lakes, and much more isolated
25 territory. The flow of traffic in our area is rather
26 definite. Like if there is a buoy or light out of
27 order at Britt, Byng Inlet on the north shore of
28 Georgian Bay, we know exactly where every ship is
29 coming from because they all come through Georgian
30



McKean Dr Ex
(Jacques)

1 Bay, and we follow the same procedure of informing
2 shipping.

3 He is more inclined to broadcast
4 a certain condition at a coast station in the exact
5 vicinity, whereas we try to put it out generally
6 along the line of flow of traffic to that area.

7 Q I see.

8 A In addition we put out local notices
9 to shipping.

10 Q Do you consult with the pilots'
11 associations concerning aids to navigation?

12 A We have no contact with them
13 whatever.

14 Q Have you sought contact?

15 A We do have contact with the lake
16 captains.

17 Q Lake captains?

18 A Yes. Wherever a point is brought
19 to our attention by the Dominion Marine Association,
20 or something that we have been studying ourselves and
21 want to enlarge our experience, we often consult the
22 lake captains.

23 Q Have the pilots ever sought to
24 take part in these discussions?

25 A No, sir. I don't know of any. We
26 have very little to do with the pilots in our area.

27 Q In the St. Mary's River, I under-
28 stand one side is Canadian and the other side is
29 American; is that correct?
30



1 A That is correct to a certain ex-
2 tent. For example, our policy there is that the
3 Americans look after all the buoys in one area and
4 we look after all the buoys in another.

5 Q On either side?

6 A No. They have a channel, and they
7 look after both sides. For example, in the St. Mary's
8 River we don't have a single buoy in this whole area
9 (indicating), but going into Detour here, you can see
10 this is the ~~channel~~^{up} the St. Mary's River through
11 Detour, and we don't have a single buoy in that area
12 until we reach --

13 THE SECRETARY: Which exhibit is
14 this you are using?

15 Q 990.

16 A Chart 2200.

17 Q Go ahead.

18 A The ~~channel~~ runs from Detour passage
19 up through St. Mary's River, and then at Sault Ste
20 Marie it branches off to the Canadian Canal and comes
21 back to the American ~~channel~~^{after} that. We don't
22 have a single buoy in this whole area.

23 The Americans look after all the
24 buoys in that area, but off to the side here at the
25 approach to Detour, we do look after everything.

26 Q What is the name of that channel?

27 A Potaganassing Bay.

28 Q And the Americans up the St. Mary's
29 River look after all buoys even though some of them
30



McKean Dr Ex
(Jacques)

1 may be in Canadian waters?

2 A Yes.

3 Q The American aids which are in
4 Canadian waters, do they follow the American buoyage
5 system or Canadian buoyage system?

6 A ~~International buoyage system.~~ ^{throughout.} /

7 Q Pardon?

8 A International system.

9 Q And is there any difference between
10 the International system and the Canadian system as
11 such?

12 A No, there is no appreciable dif-
13 ference except in the make of the buoys. The American
14 buoys have a little different outlook or outline from
15 ours.

16 Q But they are the same colour and
17 they would be approximately the same shape; a conical
18 buoy would always be a conical buoy whether it is
19 Canadian or American?

20 A Correct.

21 Q Do you follow the same colour scheme?

22 A Correct. I may say in that con-
23 nection we do look after the land-based aids in the
24 St. Mary's River, sets of ranges and the land-based
25 lightson the Canadian side, they are looked after by
26 us. We have sixteen. In the whole St. Mary's River
27 area we have sixteen aids to navigation; one manned,
28 three unmanned, six ranges and six buoys. The six
29 buoys are all in connection with the Canadian canal.
30



1 Q Are floating aids displaced either
2 by current, ice or ships in your district?

3 A Very occasionally. We do have a
4 system -- we lift all these buoys in the Fall, and in
5 each case we put down a spar buoy, and ordinary cedar
6 pole set on end to mark the position and to be of as-
7 sistance to ships moving early in the Spring.

8 In the Spring before we can get to
9 these buoys sometimes ships use that channel, and we put
10 out the notice advertising what is missing and what
11 has been displaced.

12 Q How long can a buoy be out of
13 position in your district?

14 A Sometimes they are out of position
15 a day we will say. I can't remember them being out
16 of position for that long, but sometimes they are out
17 of position -- in the past I believe they have been
18 out of position as much as a day.

19 Q A day out of position?

20 A Yes.

21 COMMISSIONER SMITH: If Your Lordship
22 pleases, I should like to ask the witness a question.
23 Mr. McKean, in answer to Mr. Jacques you mentioned
24 that certain aids in your district were automatic and
25 others were manned.

26 Is the time fast approaching or
27 will the time ever come when all the aids it is pos-
28 sible to make become automatic? I am not talking about
29 can buoys or spar buoys, but all those that it would
30



1 be possible to make automatic. Is that time fast
2 approaching or will it ever come?

3 THE WITNESS: My opinion is that
4 it will never come, but certainly steps are being
5 taken -- we had an agents' conference during the
6 Winter, and studies are being^{made}/now with the object in
7 mind of making a great many of them automatic.

8 In some conditions right now we
9 have stations that are watched by people, but they
10 are actually automatic. One lightkeeper at Port
11 Arthur keeps his eye on all the aids along the whole
12 Lakehead Harbour waterfront. The trend is in that
13 direction. I will say that.

14 MR. JACQUES: Q This joint operation
15 of aids to navigation between you and the Americans,
16 is that contained in any document or exchange of
17 documents between the Department and the Americans?

18 A Not that I know of.

19 Q Not that you know of? How long
20 has this joint effort been going on?

21 A As long as I can remember. Ever
22 since I have been on the job, and I know it continued
23 before my time.

24 Q Have you any major differences of
25 opinion with the Americans sometimes?

26 A No. Well, the only major dif-
27 ference I have with the Americans right now is they
28 won't open the canal at the Soo, so we can get through
29 and start breaking ice on Lake Superior, but that has
30



1 not anything to do with aids to navigation.

2 We have very close contact with
3 them shipping through the Soo. For instance, when I
4 send a message to the Soo wireless station, I don't
5 send it to the coast wireless agent. I send it to the
6 superintending engineer, and his operator immediately
7 picks up the phone and phones the Americans as fast as
8 he phones our own operator, so in that way we get in-
9 formation into the hands of the U.S. authorities just
10 as quick as through our circuit.

11 Q Once those aids are reported out,
12 do you also broadcast as well as the Americans?

13 A Not from the very nature of things,
14 we don't do too much broadcasting, but where there is
15 something important -- I would say four or five times
16 a year we do pick up one through broadcast, usually
17 at their request, and I think you will see from the
18 nature of the Upper Lakes there --

19 Q You are now on Great Lakes chart
20 Exhibit 1016?

21 A 1016. Up in our part of the area
22 where the traffic is concerned, it is either in
23 Canadian or American waters, and we have very few of
24 their broadcasts to pick up. However, a great deal
25 of these local notices, like you have on your desk
26 there, are connected with Lake Michigan, and they do
27 ask us to publish them in order to give notice of
28 dredging more than anything else.

29 Q Notice of dredging?
30



1 A Notice of dredging operation.

2 Q What about Lake Michigan, it is
3 totally American waters, is it not?

4 A That is right.

5 Q Do you know their system for ad-
6 vising mariners of buoys out of position or aids out
7 of order?

8 A They follow a system similar to
9 what we have. There is very little of concern in
10 Lake Michigan except, you see, this area here through
11 the Straits of Mackinaw. After that it is simply a
12 matter of local port authority and the Coast Guard
13 keeps the ships advised going down through the area
14 of conditions at our ports.

15 Q Apart from dredging you are not
16 requested by the Americans to publish anything, broad-
17 cast anything concerning aids?

18 A That is right except possibly five
19 times a year.

20 MR. JACQUES: I see. I would like to file
21 as Exhibit 1062 an example of a lake notice to shipping
22 No. 5/64, dated March 13, 1964.

23
24 ---EXHIBIT NO. 1062: Lake Notice to Shipping,
25 dated March 13, 1964.

26
27 Q That is a recent one?

28 A Yes. We commonly put that out on
29 Friday afternoon at this time of year to advise lake
30 shippers of the ice conditions and where our ice-breaker



1 is going to be. We put it out on Friday afternoon so
2 it will be at Detroit, at the U.S. Weather Office in
3 Detroit, on Sunday evening and ready for their publi-
4 cation for anything they want to take out of it on
5 the following Monday.

6 Q Is this local notice also broadcast?

7 A Some items out of it have been
8 broadcast already. It is simply -- in the case of
9 anything important enough for a broadcast -- it is
10 simply a follow-up and permanent record of that broad-
11 cast.

12 Q When an aid is reported out of
13 order, how soon do you get your broadcast out?

14 A The broadcast goes out almost
15 immediately. We have an arrangement with most of
16 the coast wireless stations. They usually begin in
17 the area concerned immediately they receive word of
18 it, and then we send back the information to broad-
19 cast to some other coast wireless stations as required.

20 Q Your lake notices, are they
21 published at regular intervals or as need arises?

22 A These local notices to shipping you
23 mean?

24 Q Yes.

25 A They supplement the Notices to
26 Mariners that are issued by headquarters in Ottawa,
27 which are more of an official bulletin. These local
28 notices to shipping at this time of year are either
29 issued once a week or twice a week depending on how
30



1 fast things are developing in connection with open-
2 ing of navigation. Later in the season they may only
3 be published once a month.

4 Q They are all preceded by broadcast?

5 A Not always. Some items in con-
6 nection with the tourist traffic are much better
7 handled in this manner than by a broadcast.

8 MR. JACQUES: Thank you, sir.

9 THE CHAIRMAN: I see here in the
10 chart joining the Georgian Bay there is a Trent-Severn
11 waterway, also called the Trent Canal. Is it used?

12 THE WITNESS: I have no juris-
13 diction over the Trent Canal. It is handled by the
14 Director of Marine Works, Mr. Manning, in Ottawa.

15 THE CHAIRMAN: It is still in use?

16 THE WITNESS: Oh, yes. It is being
17 used, and it is becoming quite active as a matter of
18 fact, but all in connection with yachting. I don't
19 know of any commercial traffic in there at all.

20
21 CROSS-EXAMINATION BY MR. BRISSET:

22
23 Q Mr. McKean, what is the method of
24 distribution of your notices to shipping?

25 A They go through all the major ship-
26 ping Companies, and to the Coast Guard stations,
27 copies to our headquarters in Ottawa, and to the
28 Harbour Masters, canals; anyone who is interested.

29 Q Are they also sent to the pilots'
30



1 dispatching officers at Detour, Port Weller, Sarnia?

2 A No, as I say, we don't have much
3 connection with them. We do send them to the Canadian
4 canal at Sault Ste Marie and the Coast Guard at Sault
5 Ste Marie.

6 Q You have spoken of a few cases of
7 groundings last year. You mentioned I believe two in
8 Collingwood Harbour. I didn't get the name of the first
9 ship. Would you repeat it, please?

10 A Maunoloa.

11 Q Did these groundings occur at the
12 berth when the ships were loaded?

13 A No, they occurred right at the
14 breakwater entering the harbour.

15 Q Entering the harbour?

16 A Yes.

17 Q Was there any investigation made
18 by your office?

19 A Yes. I have a copy of the captain's
20 report right here, and I will table that when I send
21 that other information along. They found 19 feet of
22 water at the inner ridge bar next to the breakwater.
23 In other words, the water was down a foot that day.

24 Q The ship was loaded?

25 A Coming in. I believe she was
26 loaded with corn from Chicago for local consumption.

27 Q She was a lake ship?

28 A I believe she is, yes. American-
29 owned I believe.
30



1 Q And the same thing applies to the
2 Clement Reiss?

3 A Yes.

4 Q You mentioned three groundings in
5 the vicinity of Port Huron light where there is a shoal.
6 Do you know whether these groundings occurred east or
7 west of the light?

8 A As a matter of fact we haven't --
9 our records on this, they just happen to be in the
10 book. In our file, rather. They were very minor.
11 They didn't constitute any obstruction to navigation.
12 The ship was off the channel, but we picked these off
13 the file. The Montcalm grounded east of Port Huron
14 lightship, and that is all the information I have on
15 that.

16 I believe she was lighted and
17 floated away later. The next day or something like
18 that.

19 Q What about the Saskadoc?

20 A Bay Pointe Shoal. I don't know
21 where that is. I believe it must be up in Mr. Barrick's
22 district, around the corner, in the river, at Sarnia.

23 -----
24
25
26
27
28
29
30



1 Q And the Capo Noli?

2 A The Capo Noli, that was on Bay
3 Point Shoal to Sarnia.

4 Q What is the special danger to navi-
5 gation in that locality?

6 A In the vicinity of the Sarnia
7 area?

8 Q Yes.

9 A Well, there are two things there,
10 the traffic and the fact that it is a narrow channel.
11 It is not narrow; it is wide enough, but it is restricted
12 water compared to the open lake. But, as I say, I am
13 not too familiar with that area down there. We have
14 no aids to navigation in the vicinity and the Point
15 Edward radio operator is technically under our control
16 for reporting so he often sends along a report saying
17 that such-and-such a ship is aground so it will be on
18 our records -- no explanation except that he says the
19 channel is not blocked.

20
21 CROSS-EXAMINATION BY MR. LALONDE:

22
23 Q When you have a report of dis-
24 placed buoys, are these buoys put back into position
25 by crews of your ships? Do you have any ships?

26 A Yes, we have.

27 Q Boats?

28 A Yes, we have three ships and two
29 work boats.
30



1 Q Do you have an engineer aboard these
2 ships when they replace buoys into position?

3 A Only when the buoys and land-based
4 lights are first located. An engineer usually locates
5 them in the first place and after that the master of the
6 ship is responsible for putting them in the same position.

7 Q In the list of cases which you have
8 reported as obstructions before—I think you said there
9 were nine cases; is that correct?

10 A I believe it is correct -- yes,
11 nine.

12 Q I took two at Collingwood and two
13 at Port McNicholl; is that correct?

14 A One at Port McNicholl; two at
15 Collingwood, one at Port McNicholl, one at the mouth of
16 the Mission River, Lakehead Harbour and one at a port
17 in the Port Arthur Harbour. Then there are three in the
18 vicinity of Sarnia and one was a tug; a small tug struck
19 a reef off Battle Island lighthouse, east of Battle
20 Island.

21 Q That was in 1963?

22 A Yes.

23 Q Am I right in understanding that
24 these are casualties that are reported to you because
25 they constitute an obstruction in the channel itself,
26 or do you get reports of all incidents in the channel?

27 A Yes. As I mentioned before we have
28 no direct concern in the aids to navigation in the
29 Sarnia area. However, here are three accidents in that
30



area that have been put on our records just so that we will be informed and to give us a chance to take any action. For instance if we know the lighting operations are going on in such and such an area we like to warn the traffic downbound to that area that there is going to be a lighter working alongside the aground ships so they will be prepared when they get there.

These other groundings were all more or less our concern, both to warn ships, but in no cases did it involve correction to aids to navigation. They are actually there the concern of the Department of Public Works and it is our business to inform them.

Q Is this a systematic report in the sense that it would include all casualties which would represent obstructions in the channel or is it just that these are particular ships reported to you while others may very well have not been reported? Is there a regular system of communication in this respect?

A No, there is not. For example the
Senator of Canada; I did not get a report on it until
this Winter.

Q I see. How did you get it -- from
Ottawa or what?

A Actually once I found out the accident -- at first I heard about the accident well and good; I did hear there was an accident; but I was given to understand it was while they were approaching the elevator, in the approach of the elevator slip.

Then I found out it was from Port



1 Arthur. The sub agent at Port Arthur told me more of
2 the details of it when the ship went up there to go
3 into drydock. Then just recently we took the ship,
4 the Alexander Henry out to do some investigating to
5 see if we could drill once through the ice and get a
6 detailed report on this obstruction to see whether we
7 would have to put a buoy on the shoal in the Spring.

8 At that time Captain Clark, the
9 captain of one of the other pilot steamships told us
10 exactly where it was. We went with the echo sounder
11 and found 21 feet where the chart reports **five fathoms**.

12 Q This is the way you heard about
13 this particular accident, through your sub agent --
14 through general information and then your sub agent
15 in Port Arthur; is that correct?

16 A That is right.

17 Q You did not obtain any report from
18 Ottawa to the effect that, let us say, the Senator of
19 Canada had reported an accident and asking you to
20 investigate as to the state of the channel?

21 A Yes, we did later. Later in the
22 Winter we got that information.

23 Q When had that accident occurred?

24 A I believe it was in October or
25 November. I am not sure of the date.

26 Q Would you roughly know about what
27 time you received the request from Ottawa for this
28 investigation in this connection?

29 A About January, I believe it was.
30



1 Q If I am not mistaken the Maunaloa
2 is an Upper Lakes Company ship; is that correct?

3 A I believe it is.

4 Q The Clement Reiss is a Reiss
5 Steamship Company ship from Wellington, Delaware; is
6 that correct?

7 A I am not familiar with it. It is
8 U.S. only.

9 Q It is a lake ship?

10 A Yes.

11 Q The Senator of Canada is a lake
12 ship?

13 A Yes.

14 Q The Zinnia would be deep sea?

15 A British registry, yes.

16 Q Is that a deep sea or a lake ship?

17 A Deep sea.

18 Q The Montcalm and the Capo Noli I
19 have under the Montship Line Agency of Chicago, Illinois,
20 Illinois. Would those be lake ships?

21 A I have no idea of the situation of
22 those vessels.

23 MR. BRISSET: Both ocean.

24 MR. LALONDE: Q The Saskadoc is
25 obviously a lake ship. Do you know the name of the ship
26 in Port Arthur which was loaded and touched bottom?

27 MR. MASON: The Algoway.

28 MR. LALONDE: Q Is that a lake
29 ship?
30



McKean Cr Ex
(Lalonde)

1 A Yes, Algoma Steamships.

2
3 CROSS-EXAMINATION BY MR. MASON:

4
5 Q I notice from Exhibit 1061, Mr.
6 McKean, that the level of water shown for Lake Michigan
7 and Lake Huron is about 1 1/2 feet below the ten-year
8 average for last year; is that correct?

9 A That is correct.

10 Q Is this the lowest it has been in
11 your experience up in that district?

12 A The reading the last time we looked
13 at it at the end of February was 3.1 feet below what we
14 call the normal, and that is an all time low.

15 Q Can you tell us anything about this
16 Bay Point Shoal that is out of your district?

17 A Maybe Mr. Barrick could tell us
18 where that is.

19 Q Would you know of your own knowledge
20 that this shoal is one that is subject to fairly rapid
21 reformation?

22 A I do not believe it is. I believe
23 the groundings occurred because it is adjacent to a
24 dredged channel. It just happened they got off the
25 channel.

26 THE CHAIRMAN: Are there any further
27 questions to Mr. McKean?

28 MR. JACQUES: Thank you.

29 THE CHAIRMAN: Then we will adjourn
30



1 for five minutes.

2
3 ---SHORT RECESS
4

5 FLEETWOOD KINGSLEY MC KEAN recalled
6

7 FURTHER EXAMINATION BY MR. JACQUES:
8

9 Q There is one last point -- that of
10 radio communication in your district. So far the
11 evidence we have heard stops at Port Huron with the
12 teletype system of the signal service. Mr. Barrick
13 outlined the coast stations in his district. Would
14 you tell us what coast stations you have in your
15 district, Canadian coast stations?
16

17 A Yes. We have the Sarnia coast
18 station that Mr. Barrick shares with us and the one
19 at Wiarton Airport, Sault Ste Marie Airport and Fort
20 William Airport. The marine teletype, as you say, is
21 at Sarnia, but these other stations are all connected
22 with the tele-com teletype.

23 Q And it is for general use, both
24 air and sea and general communication?

25 A Yes. Our messages can be put on
26 them very easily.

27 Q We have had evidence also that the
28 radio coverage in some areas is not adequate. What is
29 your opinion of your own radio coverage?
30

A We found that this has been a



1 continuing problem in the past. I should say steps
2 have been taken to correct it. I came to this Parry
3 Sound agency in 1948 and at that time we had a black
4 spot in around here.

5 Q When you say "here" where do you
6 mean -- around the main channel entrance to Georgian
7 Bay?

8 A That is correct.

9 Ships coming into Georgian Bay
10 could not report until they got halfway down the Bay,
11 practically to their destination at Midland. That has
12 been corrected now. There is a station at Wiarton and
13 it has been able to cover that area quite adequately.

14 There is another black spot in
15 the Ste Marie River. Communication down around Detour
16 was not too good, but that was mostly technical dif-
17 ficulties due to the fact that the coast wireless
18 station was in the city.

19 They have now moved the coast wire-
20 less station out to the airport near Gros Cap, and
21 coverage is very good there. The same situation ap-
22 plied at Port Arthur at the Lakehead and they have
23 moved the radio facilities down to the airport at Fort
24 William and conditions are much improved there.

25 However, I had an experience on
26 April 9th or 10th of last year. I joined the ice-
27 breaker Alexander Henry in White Fish Bay here. I had
28 to fly out by helicopter. We broke through the next
29 day and sailed all that night and got up to Port Arthur
30



McKean Re Ex
(Jacques)

1 at Thunder Bay. We did not have any radio communication
2 from four o'clock in the afternoon until six o'clock the
3 following morning.

4 There were the northern lights. It
5 was cold winter weather in the first part of April and
6 there were northern lights. The radio was blocked out
7 for the time being and we could not reach either
8 station all during that trip.

9 That is very unusual, but there is
10 a section in the centre of Lake Superior where our
11 stations are inadequate to pick up the messages and
12 the Tele-com division is making improvements in the
13 strength of their sets and the location of their
14 stations to improve those conditions.

15 Q Would ships be able to communicate
16 with American stations in those blind areas?

17 A Yes. I believe it is Marquette in
18 this section of Michigan and Rogers City over on the
19 west shore of Lake Huron. They find they can com-
20 municate with those stations and there is no great
21 complaint on all this because of that fact -- that the
22 American stations are available.

23 MR. JACQUES: Thank you.

24 THE CHAIRMAN: Are there any further
25 questions of Mr. McKean?

26 Thank you, Mr. McKean.

27
28 ---WITNESS WITHDREW
29
30



1 English

2 PAUL WILBUR WALTERS, Sworn

3 DIRECT EXAMINATION BY MR. JACQUES:

4 Q. You are District Engineer for
5 the Department of Public Works?

6 A. Ottawa District.

7 Q. Would you tell us the limits of
8 your District along the St. Lawrence and Great Lakes
9 Basin?

10 A. The easterly limit is at the
11 Ontario-Quebec boundary, a short distance east of
12 Lancaster, and it extends along the system westerly
13 to a point between Trenton and Brighton.

14 Q. Trenton and

15 A.Brighton. Actually, that is
16 the County line. That is, in fact, cut off at the
17 Northumberland County boundary.

18 Q. And there would be included in
19 the District a great deal of the Seaway?

20 A. That is correct.

21 Q. And including Kingston?

22 A. Yes; it would include Cornwall
23 as one of the major points; Kingston.

24 Q. That is on the northern shore
25 of Lake Ontario, but wouldn't include any of the
26 American waters, of course, but you would include
27 Prince Edward Point?

28 A. Yes.

29 Q. Wolfe Island?

30 A. Yes.



Walters, dir
(Jacques)

1 English

2 Q. East of that?

3 A. That is correct; and for
4 general purposes the whole of Prince Edward County
5 over to the Murray Canal.

6 Q. Now, the Commission is primarily
7 interested in dredging, both capital and maintenance,
8 in pilotage waters. Have you prepared a statement of
9 the area showing the extent and production of
10 sedimentation on silting in your District?

11 A. Generally speaking, the
12 dredging situation is at the request of interested
13 parties or companies. We don't have a fleet as does
14 the St. Lawrence Seaway on the main channel, nor do
15 we have authority to do virtually automatic dredging
16 when silting has occurred.

17 Our system is such that if
18 somebody else reports siltage and it is interfering
19 with traffic, then we must get the item approved,
20 listed in our departmental estimates and approved
21 by the Treasury Board. The estimates are prepared
22 normally in August of one year for the beginning of
23 -- the first of April to the end of March for the
24 next twelve-months period following.

25 Q. During the last five years
26 have you done any capital dredging?

27 A. Yes, we have done dredging under
28 the elevator at Catarqui; we have done dredging at
29 the Wolfe Island Cut.

30 Q. This was capital dredging?



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14620

Walters, dir
(Jacques)

1 English

2 A. Yes.

3 Q. And what was the purpose of
4 the dredging?

5 A. It was to provide deep water
6 up to the elevators and to permit upper lakers to
7 come into the elevator. It was done on a 50-50 shared
8 basis with the company.

9 Q. Was this done so many feet away
10 from the dock -- you started the dredging -- and so
11 many feet inside was done by the company?

12 A. I was talking to Ottawa this
13 morning on the policy point and what I was told in
14 that regard was that insofar as coming from a public
15 channel to a private wharf is concerned, the portion
16 coming up near that wharf could be shared 50-50 -- that
17 is, the approach channel, between the company concerned
18 and the Federal Government.

19 Before tenders are called the
20 Department would require some form of security from
21 the company concerned on this 50% of the cost before
22 the award of the contract is made.

23 Coming to the face, the general
24 rule is that we don't do anything within the width
25 of the largest vessel using the wharf plus 10 feet.
26 In other words, if the beam of the boat is 60 feet
27 we would not come, on this joint basis with the company,
28 within 70 feet of the face.

29 Q. And the remaining distance from
30 this point you would leave....



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Walters, dir
(Jacques)

14621

1 English

2 A.up to the company.

3 Q. And would this be done with
4 their equipment, or

5 A. In our District we have no
6 equipment; it is all done by contracting.

7 Q. The company lets out its own
8 contract?

9 A. Normally, when the tenders
10 are made the Department, by agreement with the company
11 -- the Department would let out the dredging.

12 Q. You control the work of the
13 contractor?

14 A. That is correct.

15 Q. And it has nothing to do with
16 the company once it has been agreed that the dredging
17 has to be done?

18 A. Well, if they are spending
19 their 50% they could have a say if there was something
20 they didn't like.

21 Q. And what was the purpose of
22 the dredging done at the elevator at Catarqui?

23 A. Unfortunately, I didn't bring
24 the detail with me. I could supply it to the Commission
25 as soon as I get back, in a couple of days' time.

26 Q. To the best of your recollection,
27 did it accommodate larger lakers?

28 A. Yes; grain boats against the
29 elevator.

30 Q. You have also mentioned Wolfe



Walters, dir
(Jacques)

English

Island. Would you like to tell us about the capital dredging that was being done there?

A. I can give you the background to that.

Q. I show you Exhibit 826 which is a chart of the St. Lawrence Seaway, and this is the best one we have at the moment. It shows in the insert "D" the Wolfe Island Cut, I believe?

A. That is correct.

Q. Would you tell us about the capital dredging that was done there?

A. Yes; the cut itself lays off the channel near Quebec Head and Beauvais Point.

The background was that this was requested originally by the Corporation of the St. Lawrence - Kingston Pilots on February 20th, 1957, and it was accepted by our Ministry and put forward to Treasury Board.

Q. What was the amount involved?

A. The original estimate was for a channel 5,000 feet long, 400 feet wide and 27 feet deep below elevation 243. The estimate of the cost was \$1,221,348.50.

Q. In 1957?

A. Yes.

Q. That project was approved by your Department?

A. Our Department supported it, yes, and it was forwarded to Treasury Board for



Walters, dir
(Jacques)

English

approval. This was put in the Department's estimates.

Q. And what happened?

A. It was turned down by Treasury Board in February, 1959 after several attempts to get it forward.

Q. Would you know the reason why it was turned down by Treasury Board?

A. I believe the reason for turning it down was that they didn't consider that there was enough economic justification.

THE CHAIRMAN: Wasn't it that the Seaway wasn't working at the time and that wasn't the main channel? I think in 1957 the actual

THE WITNESS: That would be the shorter distance from the main channel into Kingston channel. I believe this was the main reason why the pilots put up the project.

MR. JACQUES: Q. But you don't think the refusal by Treasury Board had anything to do with the future opening of the Seaway?

A. Well, this was before my time in the District, but it is my understanding that the reason it was turned down was through lack of economic justification.

Q. And eventually was there any dredging done?

A. Yes. Later two more submissions were put forward by the Department to Treasury Board, one on March 6th, 1961, which changed the proposed



Walters, dir
(Jacques)

English

channel to a length of 3,875 feet with a width of 450 feet and 20 feet below 243. In other words, they brought it up 4 feet.

Q. Were these changes discussed with the pilots before they were sent to the Treasury Board?

A. To be quite honest I don't know. I wasn't there at the time.

Q. You don't know whether these changes were done on your own initiative or done at the request of the pilots in the District?

A. I am not sure exactly why the changes were made.

Q. And then what happened?

A. It was returned to the Department and resubmitted on the 17th of April, 1961 on the basis of a shorter channel -- 3,580 feet long, the same width, 450 feet and the same depth, 20 feet below 243. This item was accepted by Treasury Board and the item was included in the estimates.

Q. What was the amount?

A. The estimated amount was \$480,100.

Q. And was this dredging done?

A. The dredging was, in fact, done. Tenders were closed on May 31, 1961. The low bid was McNamara Marine. Their bid was \$182,520. The work started June 26th, 1961. The work was completed on July 16, 1962. The total cost was \$183,411.75. This involved the removal of 321,735



1 English

2 cubic yards of class B material. The channel actually
3 dredged was 3,970 feet long, 450 feet wide and 23 feet
4 deep.

5 Q. Now, has there been any
6 capital dredging done elsewhere?

7 A. We did capital dredging in
8 developing the Cornwall harbour.

9 Q. And can you indicate the
10 extent of the dredging?

11 A. Again, I haven't the details
12 with me but I can give you the rough limits.

13 Q. Yes, please.

14 A. Unfortunately I have not with
15 me the proper chart. The key chart is hydrography
16 chart 1413.

17 THE SECRETARY: Which,
18 incidentally, was filed as Exhibit 456.

19 THE WITNESS: Yes. Generally
20 speaking, the harbour starts on the west at the
21 opening of the St. Lawrence Canal which leads down
22 to the Howard Smith Company, in behind that.

23 Q. Would you indicate the
24 eastern limit with a red line on Chart 1400, Exhibit
25 826?

26 A. I doubt if this will show it
27 accurately, but the easterly limit is Classical
28 College Point, which is near Dead Man's Shoal, and
29 that is about this position (indicating); and the
30 western limit comes at the entrance of the old St.



Walters, dir
(Jacques)

English

Lawrence Canal which is still in use, going down to Howard Smith Paper Company.

The north limit is the wharf against the main building at Canada Cotton Mills; and the south is that portion of Cornwall Island between these two vertical lines.

Q. The two red lines on the chart?

A. Yes.

Q. And that is where you have done this?

A. We have developed the harbour after dredging.

Q. Would you have the figures there -- the amount of dredging that was done?

A. I have not; I am sorry. I can again produce this in a matter of a day.

Q. Perhaps you could forward the information by letter to the Commission.

A. I will be glad to do that.

Q. Have you done capital dredging anywhere else?

A. No, not in any major way at all. At Kingston there are several items in the 1964-65 estimates, approved, on the general harbour at the west side which is generally known as Anglin's Bay.

Q. And what is the nature of the dredging proposed to be done?

A. I can give you that information.



1 English

2 COMMISSIONER SMITH: What is
3 the depth of water on the north side of Wolfe Island?

4 THE WITNESS: I guess we
5 haven't got that chart. There is plenty of water
6 hereabouts specifically.

7 COMMISSIONER SMITH: In around
8 Kingston? Just at Kingston, on the north side of
9 the?

10 THE WITNESS: There is all
11 sorts of water.

12 COMMISSIONER SMITH: Plenty of
13 water there?

14 THE WITNESS: Yes. One spot,
15 105, is 62

16 COMMISSIONER SMITH: My chart
17 doesn't show the depth.

18 THE WITNESS: There is good
19 deep water all through there. Where you get into
20 difficulty, or where boats may get into difficulty,
21 is where siltage started opposite the dry dock and
22 leading right up close to the causeway; the most
23 precarious being at Dead Man's Shoal opposite the
24 dry dock entrance.

25 MR. JACQUES: Q. And what
26 was the nature of the dredging you had to do there?

27 A. There again there is a back-
28 ground to it which I could give the Commission

29 Q. The Commission would be
30 interested in the background.



1 English

2 A. Well, on May 8th, 1961 Bayswater
3 Shipping, and others, with the support of the local
4 member, recommended that two areas be dredged at the
5 inner harbour, one over at Anglin's Bay at the west
6 side of Anglin's Bay, and the other against the Navy.

7 Q. Was this just a deepening, or....

8 A. They wanted it deepened.

9 What had happened was that
10 in this whole area more or less there was siltage --
11 of the rideau system -- and it gradually filled
12 in over the years. Back in 1935 we had dredged the
13 west portion down to 19 feet plus 1 sub-grade, and
14 that area has gradually filled in to somewhere between
15 12 and 14 feet. Particularly the oil tankers and
16 coal boats were rubbing all the time they were coming
17 in to unload. People who were interested -- a number
18 of the companies in bringing in coal wanted some more
19 water for their boats.

20 The area to the west was
21 approximately 300 feet in a north-south direction and
22 600 feet in an east-west direction. The request for
23 dredging at the time was for 13 feet plus 1 which, of
24 course, would give you 14 feet, if it were truly
25 dredged below water.

26 That was put up to Treasury Board
27 and deferred. Again was there an item in the 1963-64
28 estimates of the Department which was reduced by
29 Treasury Board to \$37,000.00. They wouldn't go for
30 the east half, but they did agree to the west half



1 English

2 over the tank farm, coal dock area.

3 Around the same time I had a
4 number of requests for deeper water because the
5 Imperial Oil and others, Hall Corporation, were
6 coming in there loaded 17, 18 feet, and they were
7 pushing mud through the channel the whole way around,
8 so they were not at all happy with 14 feet because
9 that was, in their opinion, virtually no good.

10 I did not go ahead with the
11 item on my own. Then it was suggested it should be
12 deepened to 18 plus 1 minimum, and the Department
13 accepted. We didn't dredge last year.

14 I put up another item on the
15 same area for this year's estimates for 18 plus 1,
16 which has been accepted, and that is now listed in
17 the plan you have. The area we planned to do is
18 slightly larger. It is 400 feet in a north-south
19 direction, and about 700 feet in an east-west
20 direction. Estimated cost is \$97,000.00 and the
21 yardage estimate is 132,000 cubic yards of class B.
22 That does not include rock. Soft material. No
23 drilling.

24 Q. Is there anything else in
25 your District?

26 A. There is nothing in the major
27 sense at the moment.

28 Q. What about maintenance
29 dredging? Do you do any maintenance dredging?

30 A. Yes, we do. In essence this



1 English

2 Anglin's Bay item is maintenance dredging except we
3 have taken since 1935 until now to do any maintenance.

4 Q. The occurrence of maintenance
5 is few and far between?

6 A. I would say this, as I mentioned
7 in Montreal, that I now have a survey boat with
8 echo sounder in it, and this will aid us greatly in
9 our work.

10 Q. Apart from maintenance dredging
11 to be done in Kingston, do you intend to do any
12 anywhere else, or have you done any anywhere else?

13 A. Not maintenance dredging, but
14 there will be a new item in the supplementals at
15 Cornwall at the easterly limit off the Classical
16 College Point, Dead Man's Shoal in Cornwall. We
17 are talking of removing that, or a portion of it.

18 Q. What is the cause of the
19 silting ~~in~~ Kingston?

20 A. The cause of silting in
21 Kingston in our inner harbour, that is the mouth and
22 delta of the Rideau River system, and then there is
23 the causeway, as you may know, which we put in there
24 years ago which virtually blocks that mouth, so to
25 speak. There are openings which permit boats to go
26 in and out, and water to flow.

27 Q. Have you evidence in your
28 District of silting and bank erosion caused by ships'
29 wash?

30 A. It is difficult to tell whether



1 English

2 it is due to ships' wash or whether -- we have a
3 particularly low water year this year, and this has
4 helped us greatly in doing some of our bank and
5 precautionary repairs. We can get in the dry end
6 to do the work much more economically and better.
7 However, whether this is due to passage of ships or
8 whether it is due to natural storm conditions or
9 low or high water conditions --

10 Q. You have not been able to
11 ascertain?

12 A. I wouldn't be able to sort
13 each one out on that basis.

14 Q. You have mentioned soundings
15 a moment ago, and you said you are going to be
16 supplied with a boat?

17 A. I have a boat now.

18 Q. You have a boat now?

19 A. Stationed at Kingston. We
20 took delivery of that from Toronto Ship Building last
21 summer.

22 Q. And that is to take soundings
23 in your area?

24 A. That is right, and to do work
25 relating to dredging, surface, laying out, taking
26 original sections for measurement and taking the
27 final sections or interim sections as the work
28 progresses.

29 Q. Have you started to make
30 surveys?



English

A. Yes.

Q. You have?

A. Yes.

Q. Have you published these reports?

A. As we do sounding work, this is reported to the Department of Transport and to Canadian Hydrographic Service. If it is significant, the Hydrographic Service incorporates this and amends it on their chart or maybe a patch.

Q. Have you received requests from pilots to be supplied directly with this information?

A. I was asked that same question previously in Montreal, and I do not recall any case where I have had a direct request from a pilot or the Association for such information.

Q. Or ships' agents or companies or shipping companies?

A. The only instance I can recall that may be pertinent to that question is when we were trying to get boats into Cornwall. Some ship companies wanted a patch, which Mr. Gray and I agreed not to release until we finished sweeping the whole area and lifting some boulders. I believe some of the Commission were on the Lapointe when they struck a boulder, and this is what started that sweeping and boulder lifting. Once that patch is released, then -- in fact we had boats into Cornwall.



1 English

2 A few last year. We got four in and out of there.

3 Two Norwegian and two from New York.

4 Q. I show you, sir, Exhibit 989,
5 which is a chart of the St. Clair River, American
6 chart #43. We were told that there was an abandoned
7 channel, the St. Clair Flats Canal, as it is indicated
8 on this chart, which has been abandoned?

9 A. This I believe should be
10 asked of Mr. Scroggie from London.

11 MR. JACQUES: Thank you.

12 THE CHAIRMAN: Are there any
13 questions?

14 CROSS-EXAMINATION BY MR. LALONDE:

15 Q. Is there any project of
16 deepening the passage north of Wolfe Island?

17 A. There has been no request
18 for any dredging in there, sir, unless you are
19 referring to that series of shoals coming from
20 opposite the shipyard over to the causeway.

21 Q. I am referring to deepening
22 of the area north of Wolfe Island which you have
23 already dredged in the past.

24 A. Where we dredged, sir, or down
25 through there?

26 THE CHAIRMAN: At Quebec Point.

27 THE WITNESS: Yes. You can
28 see what the depths are. There are some running up
29 to 106 feet.

30 Q. Yes?



1 English

2 A. We have no plans in there.

3 Q. Do you regularly check on
4 silting on your own, or is it done only on request?

5 A. When we had no boat, it was
6 largely ~~on the request~~--or someone felt some
7 obstruction existed, and we would go in and check it.
8 Now we have a boat and we will plan work in a
9 scheduled way, and follow that schedule, but we had
10 no boat before.

11 MR. JACQUES: Do you have
12 joint projects with the Americans sometimes?

13 THE WITNESS: No, not really.
14 On the Wolfe Island Cut I did deal with the U. S.
15 Corps of Engineers in Buffalo, and we worked out an
16 arrangement on the small portion that extended, and
17 that was done by McNamara as the contractor. There was
18 only \$16,000.00 worth of work there, but I got it
19 cleared with the U. S. Corps so that the Americans
20 or the Coast Guard wouldn't pick up the contractor
21 and his men.

22 MR. JACQUES: Thank you.

23 THE SECRETARY: May it please
24 Your Lordship, I would like to ask a few questions.
25 I have one or two questions that just come to mind
26 that I wanted to ask Mr. Walters before he leaves in
27 connection with the Wolfe Island project. You said
28 that the original request was made in 1957; is that
29 right?

30 THE WITNESS: That is correct,



1 English

2 sir.

3 THE SECRETARY: By the pilots?

4 THE WITNESS: That is right,
5 by the Corporation of St. Lawrence - Kingston Pilots.

6 THE SECRETARY: Did this
7 request of pilots involve any dredging of the north
8 channel?

9 THE WITNESS: No, it did not
10 because it was basically the same channel that was
11 dredged, give or take a few hundred feet. The main
12 difference, of course, was they asked for 27 feet, and
13 we only dredged 23 feet.

14 THE SECRETARY: At that time
15 was the request referred to the Department of
16 Transport? Would your records show?

17 THE WITNESS: Our records
18 would not necessarily show this because normally
19 the records would be between the two headquarters
20 staffs. Public works normally would refer such matters
21 to headquarters of Transport, and the Deputy Ministers
22 and the Ministers might confer also between the two
23 Departments.

24 THE SECRETARY: This is the
25 normal policy followed?

26 THE WITNESS: That is correct,
27 sir. We initiated items at our district level, and
28 supported by someone, in this case the Pilots'
29 Association, and put that up to our headquarters for
30 consideration as part of the estimates. They usually,



Walters, cr-ex
(Lalonde)

1 English

2 as a matter of custom, and common sense, confer with
3 Transport on matters of mutual concern.

4 THE SECRETARY: May I put this
5 question to you: On matters involving improvements
6 in navigable waters, when a request is made for such
7 improvements to public ports, is it the normal policy
8 of your Department to have the concurrence of the
9 Department of Transport before these improvements are
10 carried out?

11 THE WITNESS: The procedure
12 in any District is that the application goes initially
13 to our Chief of Legal Services, Mr. Alban Garron, in
14 Ottawa, and then reference is made to the District
15 concerned for an investigation. The District
16 then prepares a complete questionnaire which in
17 essence says this proposed work does or does not
18 interfere with navigation.

19 I am not sure what the practice
20 is in other Districts, but in many cases in my District,
21 by virtue of the many number of applications, we do
22 not contact Transport in every case. I am speaking
23 now of, say, Mr. Barrick, the District Marine Agent,
24 whom I work with at Prescott.

25 THE SECRETARY: Where any large
26 sums of money for improvements to navigation are
27 involved, would it be normal procedure with your
28 Department to at least consult the Department of
29 Transport?

30 THE WITNESS: Are you speaking



1 English

2 now of applications under the Navigable Waters
3 Protection Act?

4 THE SECRETARY: No, I am
5 just talking in general.

6 THE WITNESS: Could I use the
7 case of Cornwall? In that particular instance, an
8 interdepartmental committee was formed. At that
9 time Dr. Weeks was the Chairman of the working group
10 of Public Works. He was the economic advisor. Mr.
11 Walter Manning, Director of Marine Works of Transport,
12 and Mr. G. T. Clark of Harbours and Rivers, were
13 that working group.

14 They went out and they
15 examined possibly new harbour sites, and what I mean
16 by "new", there is no proper facilities in these
17 particular places at the time. They came up with
18 Cornwall as the one they considered worth developing,
19 and that is how I got into building the wharf and
20 dredging the river.

21 This was a joint working team,
22 and they went all up and down the Great Lakes,
23 examining various sites. That committee still has
24 continued. I think Walter Manning is now Chairman,
25 and Mr. J. E. Bright of Public Works is on that
26 committee.

27 THE SECRETARY: You yourself
28 have certain functions?

29 THE WITNESS: I am what they
30 call Executive Head. We have in our building four



1 English

2 branches of Public Works, and I am Administrator and
3 Coordinator of the General Activity and Policy.

4 THE SECRETARY: On this
5 specific question you cannot give me any specific
6 answer as to whether your Department normally seeks
7 the concurrence of the Department of Transport when
8 large expensive improvement projects are involved?

9 THE WITNESS: I would say that
10 in such cases there is always some contact at the
11 headquarters level or probably the Deputy Minister
12 and Minister level.

13 THE SECRETARY: Yes, but you
14 are not certain of this?

15 THE WITNESS: I put up my
16 piece of paper to the head office, and I can only
17 guess what goes on. I used to work at head office.
18 When I was there this sort of thing did in fact go on.

19 THE SECRETARY: Now, coming
20 back to the Wolfe Island project, if I may, in 1957
21 the request was made; in 1959 it was turned down.
22 It came back in 1961?

23 THE WITNESS: That is right.

24 THE SECRETARY: Was this as
25 the result of a subsequent request or the same
26 request?

27 THE WITNESS: As far as I
28 know the pilots' Association over this period kept
29 requesting this to be done. They did get the support
30 of the then Member for Kingston, who supported the item



1 actively. Between the pilots and the Member for
2 Kingston it was finally approved and carried out.

3 THE SECRETARY: It was
4 approved; the request was made in March, and approval
5 was given two months later?

6 THE WITNESS: Maybe I didn't
7 make myself clear initially. The first submission of
8 March was again challenged by Treasury Board, and
9 it was slightly altered and re-submitted in April of
10 1961, and in the re-write it was accepted.

11 THE SECRETARY: I see. What
12 was then the final control depth, it being understood
13 by "control depth" it is the depth below surface water.

14 THE WITNESS: Yes.

15 THE SECRETARY: Meaning surface
16 water?

17 THE SECRETARY: It is 23 feet
18 below 243, Canadian hydrographic level.

19 THE SECRETARY: Now, the
20 control depth is then 23 feet?

21 THE WITNESS: Yes, and in
22 normal navigation periods you can figure on at least
23 another two feet on top of that.

24 THE SECRETARY: In the most
25 favourable conditions? You would always have 23 feet
26 for navigation?

27 THE WITNESS: What I am trying
28 to say, sir, the lake level hasn't been at 243 for
29 many, many years, so in actual case they have around
30 25 feet or better since the work has been done.



1 English

2 THE SECRETARY: Oh, I see.

3 The control depth then is not 23 feet; it is 20 feet
4 or 21 feet?

5 THE WITNESS: No, sir, the
6 control depth is 23 feet related to Canadian Hydro-
7 graphic elevation 243.00. I have not got the later
8 level readings which are issued by Hydrographic and
9 are available. I could send one of those books in
10 which would give you the high and low for each day
11 in the year for the lake.

12 What I am saying really is
13 that I am quite sure the later level has been something
14 in the order of 245 or better, so in essence there
15 has been at least 25 feet of water or over in that
16 channel.

17 THE SECRETARY: This work was
18 started in April, 1961?

19 THE WITNESS: The work was
20 started on June 26th, 1961 and completed on July 16th,
21 1962.

22 THE SECRETARY: One year?

23 THE WITNESS: That is correct,
24 sir.

25 THE SECRETARY: The original
26 amount of the submission was what -- 480,100?

27 THE WITNESS: That is correct.
28 The original estimate was 480,100 and we got it for
29 \$183,411.75.

30 THE SECRETARY: The final



1 English

2 cost was what?

3 THE WITNESS: \$183,411.75.

4 This was a time for some reason or other when the
5 dredging bids became very low and they were running
6 about half of what the normal bid has for a couple
7 of years.

8 THE SECRETARY: The amount
9 of 480 was based on estimates made on?

10 THE WITNESS: Up to that time
11 and based on actual contracts awarded for the same
12 type of material and the same sort of quantities.

13 THE SECRETARY: It actually
14 costs considerably less than that?

15 THE WITNESS: That is correct,
16 because for some reason or other the dredging contract-
17 ors started just about cutting their bid prices in
18 half.

19 THE SECRETARY: I have one more
20 question. Do you do any maintenance dredging in the
21 cut?

22 THE WITNESS: Again this is a
23 hit and miss, or has been sort of a hit and miss
24 business. If we have complaints from the companies
25 or from any person we will investigate. If in fact
26 there has been accumulation of material, if so, then
27 I have to get special approval from my headquarters
28 and they in turn depend on the amount in the Treasury
29 Board before I can do it. I have no authority such
30 as the St. Lawrence Seaway has to do this cutting out



1 English

2 and dredging when such accumulation of material is
3 found.

4 THE SECRETARY: Thank you very
5 much.

6 THE CHAIRMAN: Are there any
7 further questions?

8 MR. LALONDE: I have just one,
9 My Lord.

10 Would you say that it would be
11 advantageous if you had some more leeway to authorize
12 dredging when you find silting, because I notice it
13 is a pretty long operation before you get the Treasury
14 Board approving this maintenance dredging?

15 THE WITNESS: I think I should
16 put it this way: If there was in fact a hazard and
17 unless it was a large sum of money involved, I am
18 quite sure that some special arrangements could in
19 fact be made to remove that hazard if it was going
20 to cause any danger to vessels or to life.

21 I do not know whether really
22 a change in the system would.... If I had dredging of
23 my own as some of the other Districts have, this might
24 be an advantage. The fact that I have none, I have
25 to go through tender call and that rigmarole -- anyway,
26 it takes time.

27 THE CHAIRMAN: Before adjourning
28 -- it is about a quarter past one now -- what about the
29 witnesses for this afternoon? Do we have enough
30 material?



1 English

2 MR. JACQUES: We have Mr.
3 Henderson and Mrs. Crawford. We have also Mr. Crawford
4 in connection with your last question.

5 THE CHAIRMAN: That is just
6 one question.

7 MR. JACQUES: Borders in the
8 southeast cutoff channel.

9 THE CHAIRMAN: We will adjourn
10 until a quarter to three.

11 (The Witness withdrew)

12 ---LUNCHEON ADJOURNMENT

13
14
15 ---UPON RESUMING AT 2:50 P.M.

16 MR. JACQUES: With the
17 courtesy of Mr. Mason we have secured a notice issued
18 by the Canadian Hydrographic Service being a monthly
19 mean water levels report and it is for the month of
20 February, 1964. I should like to file this document
21 as Exhibit No.?

22 THE SECRETARY: 1063.

23 ---EXHIBIT NO. 1063: Report of Canadian Hydrographic
24 Service on monthly mean water
25 levels for February, 1964.

26 ROBERT PRITCHARD HENDERSON, Sworn

27 DIRECT EXAMINATION BY MR. JACQUES:

28 Q. Would you state your full
29 name, sir, please? You may be seated if you wish.

30 A. Robert Pritchard Henderson.



1 English

2 Q. You are District Engineer for
3 the Department of Public Works here in Toronto?

4 A. Yes, sir.

5 Q. Would you give us the limits
6 of your District, please, with reference to Exhibit
7 1016, being the chart 2400, Great Lakes?

8 A. I have drawn it on a map which
9 is going to pictorially present it better than a
10 physical description, but I have both prepared. It
11 is this portion of Ontario bounded between those two
12 lines (indicating).

13 Shall I read out the exact
14 physical description?

15 Q. No, it is not necessary. I
16 should like to file this map.

17 A. It is a Province of Ontario
18 map.

19 MR. JACQUES: Of the Province
20 of Ontario.

21 MR. LALONDE: I object, My
22 Lord. Such a large part of Quebec appears on that
23 map!

24 MR. JACQUES: I hope the press
25 have noted that.

26 Drawn in a thick blue line are
27 the limits of the Toronto District of the Department
28 of Public Works, Harbours and Rivers, Engineering
29 Branch. To all practical intents and purposes it
30 extends from Trenton to Port Colborne in Lake Ontario



English

and Lake Erie, and it includes Georgian Bay.

THE WITNESS: Manitoulin Island,
up the St. Marie River to the "Soo" and roughly along
Algoma west and Cochrane to the north.

---EXHIBIT NO. 1064: Map of Province of Ontario showing
the limits of the Toronto District
of the Department of Public Works.

MR. JACQUES: Q. Do you know
how the American Districts are divided, if that
exists in the States, for the equivalent of your
office?

A. I do not know, sir.

Q. You do not know?

A. No.

Q. You were asked to prepare
information giving the areas, extent, causes and
returns of silting or sedimentation in your District.
Have you prepared this report?

A. Yes, sir.

Q. Would you read it to us or ---

A. Did you wish this illustrated
as I go, with maps, or just physical description?

Q. Yes, please, if you would be
kind enough to illustrate it as you go? The chart
showing the limits of the District is Exhibit 1064.

A. This is a map of Cobourg harbour.
The shading shows the dredging, the maintenance
dredging we do on Cobourg harbour.

Q. What is shown in red?



1 English

2 A. Firstly the solid red is
3 what we dredge annually.

4 Q. I see.

5 A. Actually this should have been
6 in a little further; this goes in a little further.

7 Q. Would you indicate it?
8 (The Witness so indicated). I see. Would you file
9 this plan of Cobourg, Ontario, as Exhibit 1065?

10 ---EXHIBIT NO. 1065: Plan of Cobourg Harbour, Ontario.
11

12 Q. The area shown in solid red
13 is the annual dredging?

14 A. May I read it out as I have
15 prepared it?

16 Q. Yes.

17 A. There is a dredged channel which
18 we dredge to 19 feet. It is approximately 1,000 feet
19 long by 270 feet wide. This is plus or minus. We
20 take out of there about 15,000 yards a year, annually,
21 although this is coming up at another place.

22 Q. And this is shown in red?

23 A. Yes, solid red. The middle part
24 of the harbour -- that is these portions here (indi-
25 cating).

26 Q. Extending from where the solid
27 red ends?

28 A. To here (indicating).

29 Q. To the east here?

30 A. Yes, including the centre pier.



1 English

2 That is what we call the middle part of the harbour.
3 We dredge this to 17 feet every two to three years.
4 The area is roughly 1300 plus or minus by 250 plus
5 or minus. These are all more or less. On the centre
6 pier there is an area 100 feet by 450 feet. There
7 is an average build-up of 2 inches a year here and
8 we dredge this every two to three years.

9 Q. So there might be a maximum
10 of silting of six inches over the period of time
11 before you do any dredging?

12 A. That is right.

13 Q. At the entrance of Cobourg
14 the dredging you do would represent how many inches
15 in one year?

16 A. It can build up. The maximum?

17 Q. Yes.

18 A. It can build up there as much
19 as three feet.

20 Q. In one year, in the one season?

21 A. Yes.

22 Q. Three feet?

23 A. That is right.

24 Q. What is the cause of this
25 sedimentation or silting?

26 A. It is a littoral movement along
27 the shore predominantly from west to east caused by
28 wind and waves. There is a fast movement of sand
29 moving along that north shore.

30 Q. Do you run soundings every now



1 English

2 and then?

3 A. Yes, sir.

4 Q. Do you publish these soundings?

5 A. We turn them over to the
6 Department of Transport in our Aids to Navigation Plant.

7 Q. I see, but you do not publish
8 them yourself directly in some kind of notice to
9 shipping?

10 A. No; those go to the Department
11 of Transport and one copy goes to the Canadian
12 Hydrographic Service for amending the charts.

13 Q. Do you receive requests from
14 pilots or shipping companies or the Dominion Marine
15 Association or the Shipping Federation of Canada for
16 soundings at the entrance of Cobourg?

17 A. Not that I can recall. We
18 are on top of this situation because it is a pattern
19 that takes place every year and we are familiar with
20 it. We know what to expect and, just depending on the
21 time of year, we know what is there.

22 Q. I see. You have indicated an
23 area at the back of the harbour?

24 A. This is what we call the inner
25 part of the harbour. We dredge to 16 feet of rock.
26 There is sometimes rock as high as 13 feet in this
27 corner; and we dredge every five to seven years.

28 Q. Now, I see that on your Exhibit
29 1065 you have included the number of ships, coastwise
30 and foreign, which have cleared in and out of Cobourg.



1 English

2 Where did you obtain these figures?

3 A. From the Customs.

4 Q. It shows 73 in and 73 out in
5 1961-62 and in 1962-63 7- in and 70 out?

6 A. Yes.

7 COMMISSIONER SMITH: I wonder
8 if I could ask this witness -- this has nothing to do
9 with engineering, but you might know this: What are
10 the main commodities that move in and out of Cobourg?

11 THE WITNESS: Steel products
12 and coal and petroleum.

13 COMMISSIONER SMITH: Any apples?

14 THE WITNESS: No.

15 MR. JACQUES: Q. Would you like
16 to add anything with regard to Cobourg?

17 A. Well, this might come up under
18 another heading. I think one of your headings was
19 what surveys were made of a hydraulic kind.

20 Q. I would rather discuss it
21 while we have the chart before us.

22 A. Well, I will just read what I
23 have prepared here:

24 This was an investigation under the
25 direction of a National Research Council
26 Associate Committee on Waves and Littoral Drift.
27 The Committee was formed in April, 1958, and
28 its purpose was to study the coastal movement
29 of sediment with particular reference to
30 siltation in harbours on the north shore of



English

Lake Ontario, and to develop economical techniques for reducing maintenance dredging costs at these harbours. The harbours selected for special study were those where expensive annual maintenance dredging was required.

A series of sounding and lake bottom sampling surveys were conducted at Port Hope and Cobourg over a period of a year. Wind and wave records were obtained at Oshawa and Cobourg. A model study of siltation in the entrance to Cobourg harbour was made at Queens University and it was concluded that a breakwater submerged slightly below water level, would be an effective means of reducing the deposition in the dredged entrance channel. This structure has not yet been built.

The Committee has presented its findings in a series of eight technical reports published by the Civil Engineering Department, Queens University, Kingston, Ontario.

This is what the study disclosed, that the wind was coming in at times from both directions, depending what was the predominant wind, but the westerly is the predominant wind so the movement is from west to east; and that by building a breakwater here....

Q. When you say "here", could you say....

A. Just about here (indicating).

Q. In a northwest direction from the



1 English

2 southwest breakwater?

3 A. Yes; and this would be built at
4 low water level so that the waves would break over it,
5 and they found that the agitation -- the turbulence --
6 from the waves would move this fine material -- this
7 is very fine material in here -- and tend to keep
8 the channel clear.

9 Q. Would that create any current at the
10 entrance which might affect adversely ships entering
11 and leaving the harbour?

12 A. I don't think so. It would cause
13 some turbulence but I don't think it would cause
14 current.

15 Q. And the turbulence such as might be
16 caused would not affect the safety of ships entering
17 the harbour?

18 A. I don't think so. There has been one
19 of these built in Portugal. This one is not built
20 yet but it may be.

21 MR. JACQUES: Thank you.

22 The plan for Port Hope will be Exhibit
23 1066.

24 ---EXHIBIT NO. 1066: Plan of Port Hope harbour.

25
26 THE WITNESS: At Port Hope we dredge
27 the approach channel every year. That is this
28 portion here (indicating).

29 Q. The conical portion outside the
30 entrance?



English

A. It is roughly 800 feet by 235 feet, more or less. There is a maximum build-up in there of 5 feet; that is the maximum.

Q. Every year?

A. Every year. This is caused by littoral movement from west to east caused by the west winds; and we have dredged out this portion in here (indicating), the harbour turning area.

Q. From the entrance to centre pier?

A. This is an area of roughly 420 feet long by 195 feet wide. This is dredged annually to 16 feet.

Along the west slip -- this is Queens Wharf -- we dredged to 16 feet. That is an area 1,000 feet long by 70 feet wide, roughly every three to four years. This fill is all caused by littoral movement which gets into the harbour.

Q. And in the area which is dredged periodically, how many inches of sedimentation would you have in there?

A. I don't have the figure, but it is not great. The last time we did it we only took out 3,500 yards. That is in four years.

We used formerly to dredge here....

Q. You mean between east pier and centre pier?

A. Yes; we used to dredge there but we have discontinued dredging there. There doesn't seem to be any requirement any longer by shipping



1 English

2 companies for it.

3 Q. Can you tell me who requested dredging,
4 if anyone does, or do you go and do it on your own?

5 A. You mean at Port Hope?

6 Q. At Port Hope and also Cobourg? Is
7 this something which has to be requested by someone
8 or is it something which your office would keep an
9 eye on and do as need arises?

10 A. Yes; we know the pattern here and we
11 know where it fills in and approximately the rate.
12 We know that some of it has to be done every year,
13 or as I have said, and we would go and get information
14 so that we could have it ready for preparing our
15 contracts.

16 Q. Then, you take the initiative?

17 A. Yes.

18 I believe that covers Port Hope.

19 Q. Is there any talk of building a
20 breakwater at the entrance here?

21 A. Not at Port Hope; we haven't talked
22 about it yet.

23 COMMISSIONER RENWICK: Could I
24 repeat Commissioner Smith's question? What is moving
25 in and out of Port Hope?

26 THE WITNESS: Coal; and Crane's have
27 a plant there.

28 COMMISSIONER RENWICK: Coal in?

29 THE WITNESS: Yes, mostly coal.

30 MR. JACQUES: Q. And you give



1 English

2 statistics also on ships in and out. There were 18
3 in 1961-62 and 19 in 1962-63.

4 MR. LALONDE: Will you tell me what
5 is called the year? You said 1961-62, 18 ships.

6 MR. BRISSET: Each season?

7 MR. LALONDE: Each season?

8 THE WITNESS: Yes; this is apparently
9 -- well, our year runs from the 1st of April until
10 the end of March and this is the way we get our report-
11 ing, too. We send it out this way.

12 MR. JACQUES: Now, this is Oshawa
13 and this would be Exhibit 1067. Oshawa is, I believe,
14 administered by a local Commission; is that correct?

15 A. Oshawa Harbour Commission.

16 ---EXHIBIT NO. 1067: Plan of Oshawa Harbour.

17
18 Q. And you do all the dredging in
19 Oshawa harbour?

20 A. Yes.

21 Q. How do you work it with the Commission?
22 Who has the authority to decide whether dredging
23 should be done or not?

24 A. The Department of Transport.

25 Q. And the Commission has no authority
26 in that respect?

27 A. In Commission harbours the Commission
28 makes a request to the Department of Transport for
29 certain improvements to be carried out, and if the
30 Department of Transport it that is investigated by an



1 English

2 inter-departmental group composed of two Public Works
3 men and two Department of Transport men. They
4 investigate the request, the necessity, the cost,
5 the ability to pay and if it is approved then we are
6 told to get the information and prepare the contract
7 documents.

8 Q. Would you comment on the plan of
9 Oshawa?

10 A. At Oshawa there is an entrance channel
11 dredged annually. This channel is 600 feet long by
12 roughly 240 feet wide and it is dredged 24 feet.

13 Q. At the entrance?

14 A. At the entrance.

15 The next area is what we call the
16 harbour channel. That is dredged to 22 feet. It
17 is 800 feet long by 300 feet wide; this is dredged
18 annually.

19 Q. Both areas?

20 A. Yes, they are dredged annually.

21 The inner harbour area at the present
22 time has been enlarged. We have taken some dredging
23 off the north limit to facilitate the turning of
24 ships; but the sedimentation in there is severe and
25 maintenance dredging is carried out every two to three
26 years.

27 Q. In the harbour?

28 A. Yes, in this area here (indicating).

29 Q. You have said you have done capital
30 dredging to extend, in other words, the limits of



1 English

2 available water?

3 A. Yes.

4 Q. And how much capital dredging have
5 you done in that area -- how many feet?

6 A. I don't have that figure with me.
7 Capital dredging in our District isn't a big thing,
8 and I wrote you about what I should prepare, and
9 I was told I would only be asked questions on these
10 five points; so I don't have the capital dredging.

11 Q. Thank you; and there is another area
12 in the harbour where you also do periodical dredging;
13 is that correct?

14 A. Yes; we regard this area as a whole
15 -- the harbour.

16 Q. And at the entrance how many inches
17 a year would the sedimentation reach?

18 A. I don't have it that way; but we
19 take out roughly 8,000 yards.

20 Q. And based on your experience this
21 would represent how many inches?

22 A. Oh, possibly six inches. I think
23 that covers Oshawa.

24 COMMISSIONER RENWICK: Have you a
25 figure on the traffic there?

26 MR. JACQUES: The figures for 1961-62
27 -- 123 in and 119 out; 1962-63, 85 in, 96 out.

28 MR. LALONDE: Are they in ship building
29 at Oshawa?

30 THE WITNESS: No.



1 English

2 MR. LALONDE: Where would these
3 ships come from?

4 MR. JACQUES: The 85 in and the 96
5 out; so you have found 11 ships somewhere.

6 THE WITNESS: I think it is the way
7 they report. I think they must report ships that
8 brought in revenue; and when it goes out light,
9 with no revenue, they don't report the ship. It
10 must be something like that because they don't jibe.
11 The ships coming in must go out, but the figures
12 don't show that.

13 THE CHAIRMAN: For 1961-62 there were
14 four more in than out; it was the other way around.
15 There may be some difference there.

16 MR. MOHONEY: I believe those are
17 cargoes reported.

18 THE WITNESS: So if a ship goes out
19 light it doesn't show.

20 MR. BRISSET: And what type of cargo?

21 THE WITNESS: In Oshawa?

22 MR. BRISSET: Yes.

23 THE WITNESS: Coal and oil.

24 MR. JACQUES: Now we come to Whitby.

25 This plan will be Exhibit 1068.

26 --- EXHIBIT 1068: PLAN OF WHITBY HARBOUR.

27 THE WITNESS: Whitby is not subject
28 to as severe siltage. As a matter of fact at this
29 point on Lake Ontario the littoral movement changes
30 and it becomes east to west; it changes right here.
The harbour approach is dredged every three to four



1 English

2 years.

3 Q. Outside the breakwater?

4 A. Yes; to 23 feet. That would involve
5 about 7,000 yards when we do it. It is an area about
6 600 feet long by 250 feet wide. The inner harbour
7 fills in at about the same rate and it is dredged to
8 21 feet; and it is about 11,000 yards -- every three
9 to four years.

10 Q. And the annual maximum depth of
11 siltage averages two feet?

12 A. Right. And the ships: For 1961-62,
13 51 in and 52 out; in 1962-63, in 42, out 50.

14 Q. I see you have mentioned a proposed
15 new dredging for 1964 and it is a small triangle at
16 the foot of Brock Street?

17 A. That is to facilitate -- there is a
18 request that we have to do that, and it is proposed
19 that we will do it next year to facilitate --

20 Q. Who requested this dredging?

21 A. The town.

22 Q. The town?

23 A. The town and the gravel companies there
24 who have to bring in gravel.

25 Q. They use that wall?

26 A. They use that wall.

27 Q. The Revetment Wall?

28 A. Yes.

29 Q. And what sort of trade is conducted
30 in Whitby?



1 English

2 A. Not heavy. I don't have the tonnages
3 with me.

4 Q. What commodities would they have in
5 and out?

6 A. Oil, sand and gravel, limestone;
7 and that is about it. Of course, there is a marine
8 yard there -- McNamara's; and there is quite a bit
9 of activity in and out of the harbour by this company
10 to their yard up here (indicating).

11 Q. What sort of yard?

12 A. They have a dry dock there. They build
13 ships there. They remodel their ships. They overhaul
14 their dredges. Their fleet is maintained and over-
15 hauled and repaired there.

16 Q. From Whitby?

17 A. At Whitby.

18 Q. Now, coming to the Toronto harbour,
19 the plan will be Exhibit 1069.

20 A. In Toronto harbour each year we
21 dredge the eastern approach to the harbour. We
22 dredge this 20 feet.

23 ---EXHIBIT NO. 1069: Plan of Toronto harbour.

24
25 Q. The small red section indicated on
26 the plan?

27 A. Yes, sir.

28 Q. Solid red?

29 A. Maximum build-up there of 4 feet.
30 We dredge a channel there approximately 500 feet long



1 English

2 by 300 feet wide to 20 feet deep.

3 Q. Yes?

4 A. Between the walls. The outer 600
5 feet between the walls, it doesn't silt up as bad.
6 We dredge that every three to five years. We dredge
7 an area 600 feet by 200 feet wide to 20 feet deep,
8 and take out about 2,500 yards every three to five years.

9 The inner 800 feet by 200 feet, we
10 have to dredge every seven to ten years and we take
11 out from 7,000 to 10,000 yards.

12 Q. Yes?

13 A. The western approach, we dredge a
14 channel there about 4,200 feet long by 650 feet wide.
15 We dredge that to 29 feet.

16 Q. It is shown in red on the plan?

17 A. Yes, sir. That involves around 100,000
18 yards, and that looks like about a seven to ten year
19 average.

20 Q. I see.

21 A. The northeast corner of the harbour,
22 we dredge an area, triangular in shape, 2,500 feet
23 long by 800 feet wide. We dredge that to 30 feet.
24 We take out about 170,000 cubic yards. This is done
25 every three to five years. This material comes down
26 the Don River and settles in there. The rest of
27 this is littoral movement.

28 COMMISSIONER SMITH: Do you do any
29 dredging for the Toronto Harbour Commission?

30 THE WITNESS: Yes, sir, we do. This



1 English

2 is all for the Toronto Harbour Commission.

3 COMMISSIONER SMITH: This is all done
4 for their account?

5 THE WITNESS: Yes, sir.

6 COMMISSIONER SMITH: Paid for entirely
7 by the Commission? Do the Public Works get into it
8 at all?

9 THE WITNESS: It is paid by the Federal
10 Government as non-revenue-producing work. Any
11 Harbour Commissions -- I have sat in on meetings
12 so I know although I am not part of the group --
13 when the request comes in for work, it is divided
14 into the category of revenue-producing works and
15 non-revenue-producing works.

16 Non-revenue-producing works, if it
17 is approved, they look into it, and if it is necessary
18 and if it is justified, we will carry that out at
19 Federal Government cost. Revenue-producing works
20 is shared.

21 COMMISSIONER SMITH: When you say
22 non-revenue-producing works, do you mean main channels
23 and not slips and approaches to berths, wharfs?
24 What exactly do you mean by non-revenue-producing?

25 THE WITNESS: Well, they produce
26 revenue at a wharf by certain wharfage charges.

27 COMMISSIONER SMITH: Yes?

28 THE WITNESS: We call it structure,
29 revenue-producing structure, but we don't call the
30 dredging revenue-producing work.



1 English

2 COMMISSIONER SMITH: My understanding
3 always has been in these harbours that are operated
4 by Commissions, that the main channels are the
5 responsibility of the Federal Department of Public
6 Works; and anything else, dredging at slips, getting
7 into berths, or channels leading up to the berths
8 is a matter for the locality, for the Harbour
9 Commission or whoever is the Port Authority in
10 the area. Is that correct?

11 THE WITNESS: I think that is right,
12 but what they do is this inter-departmental group
13 investigate dredging and they make a decision, not
14 general, but specific on any particular dredging.

15 COMMISSIONER SMITH: Yes?

16 THE WITNESS: Any particular
17 request for dredging.

18 COMMISSIONER SMITH: No matter where
19 it is?

20 THE WITNESS: No matter where it is.
21 They go into it, and they may approve it, and they
22 may not.

23 COMMISSIONER SMITH: When it comes down
24 to the final question of doing work and paying for it,
25 the policy that you have just enunciated applies as
26 to the productive and non-productive revenue?

27 THE WITNESS: That is the guideline.
28 That is the general guide.

29 COMMISSIONER SMITH: Thank you.
30



1 English

2 BY MR. JACQUES:

3 Q. Now would you explain the meaning of
4 the green shown on the plan?

5 A. Well, I happen to have some capital
6 dredging for Toronto; just happen to have that. This
7 shows capital dredging that we have done in the
8 Toronto harbour.

9 Q. All that is in green, whether light
10 green or dark green?

11 A. That is right.

12 Q. Yes?

13 A. And we have done, as you see, we
14 are going to do some capital dredging. I shouldn't
15 say "we are going to do it". It has been requested
16 and we are considering doing some more capital
17 dredging here to widen this out.

18 Q. The entrance to the western channel?

19 A. Entrance to the western channel; we
20 are going to widen it and put more of a flair to the
21 south limit of the channel to make for an easier
22 approach.

23 Q. This is shown in dark green?

24 A. This is shown in dark green. This has
25 all been done since 1958. All shown in the light
26 green has been done for the Seaway.

27 Q. For the Seaway?

28 A. For the Seaway. That is all 26 or 27
29 or 28 feet, depending on the bottom. It is all
30 Seaway depth. We spent \$6,873,000.00 doing that.



1 English

2 Q. Just inside?

3 A. Well, including all this. This as well.
4 This is re-dredging now.

5 Q. Including the western channel?

6 A. The whole thing is shown there including
7 the western channel.

8 COMMISSIONER RENWICK: Done for the
9 Seaway, for the account of the Seaway?

10 THE WITNESS: No, sir. It was ~~done~~
11 to accommodate Seaway vessels.

12 BY MR. JACQUES:

13 Q. You gave figures of traffic in Toronto,
14 1961-62, 1,286 in and 1,236 out. In 1962-63, 1,606 in
15 and 1,566 out.

16 A. These figures were supplied by the
17 Toronto Harbour Commission.

18 Q. By the Toronto Harbour Commission. Is
19 there anything else you would like to add with respect
20 to Toronto?

21 A. No, not unless you wish me to elaborate
22 on something.

23 MR. LALONDE: May I say for the record
24 here it would seem some of these figures are for
25 cargo and that the shipping statistics ~~would~~ probably
26 provide a more exact figure as to the actual ships.

27 MR. JACQUES: Oh, yes, shipping
28 statistics have already been filed before the Commission
29 in Charlottetown, and we will obtain further statistics
30 from the Toronto Harbour Commission.



1 English

2 Q. This is Burlington Channel?

3 A. This is Burlington Channel.

4 MR. JACQUES: That will be filed as
5 Exhibit 1070.

6 THE SECRETARY: Which harbour?

7 MR. JACQUES: Burlington.

8 THE WITNESS: It is the entrance to
9 Hamilton harbour.

10 ---EXHIBIT NO. 1070: Burlington Channel, (entrance
11 to Hamilton harbour).

12 Q. Yes?

13 A. Again while we are on this heading of
14 the area extent and causes of siltation and sediment-
15 ation, this is another one. There is another area
16 where we have maintenance dredging. We carry out
17 maintenance dredging.

18 Q. Regularly every year?

19 A. No, about every ten years.

20 Q. There can't be very much siltation
21 and sedimentation?

22 A. It isn't too bad. We did it last
23 year and we took out 160,000 yards.

24 Q. That would represent how many inches
25 over a period of ten years?

26 A. It is rather difficult to do this
27 without guessing because there was a little bit of
28 capital dredging. We took out the central pier
29 during last year, so this channel hadn't been used
30 before for Seaway depth. Now we are doing some



1 English

2 maintenance dredging, and also a little bit of
3 capital dredging to make it all down to 30 feet.

4 Q. Is it now down to 30 feet?

5 A. It is now down to 30 feet.

6 Q. When you talk about "feet", do you
7 always refer to the 243 Great Lakes level; is that
8 correct?

9 A. 242.8 International Great Lakes
10 Datum. Do you wish the dimensions of these?

11 Q. No. Your plan is to scale?

12 A. Right.

13 Q. Now we come to Hamilton?

14 A. Hamilton harbour.

15 MR. JACQUES: The plan will be
16 Exhibit 1071.

17 ---EXHIBIT NO. 1071: Plan of Hamilton Harbour.

18
19 THE WITNESS: Once you dredge in
20 Hamilton harbour it holds its depth. There isn't
21 much siltation takes place.

22 Q. This area in red at the top of the
23 plan is Burlington channel?

24 A. The same one we looked at before.

25 Q. Your legend reads in solid red,
26 Seaway depth; in yellow, less than Seaway depth?

27 A. Yes.

28 Q. Seaway depth, is that 30 feet?

29 A. Seaway depth is $25\frac{1}{2}$ plus allowances
30 you make depending on the bottom, exposure and its



1 English

2 effect. At 25½ feet plus.

3 Q. And the area shown in red apart from
4 Burlington channel --

5 A. Many of these are capital dredgings,
6 and if you wish those, I will have to get you the
7 figures and send it to you.

8 THE CHAIRMAN: No, thank you.

9 THE WITNESS: With regards maintenance
10 dredging, every four years at the inner end of
11 Wellington Street; every four years, inner end of
12 Wellington Street, there is an area there 700 feet
13 long by 200 feet wide which we have to dredge. There
14 is a city sewer emptying in which seems to be causing
15 it. Twenty-four thousand cubic yards, and the next
16 slip over Emerald Street, a similar situation. We
17 dredged that to 22 feet and took out 5,000 yards in
18 1962. We dredged an area 600 feet long by 200 feet
19 wide. There are storm sewers going into these slips
20 there, but that is about the only maintenance dredging
21 we have to do there. The rest of it is capital
22 dredging.

23 COMMISSIONER SMITH: Would there be
24 a Committee there similar to the one you spoke of in
25 Toronto Harbour?

26 THE WITNESS: Yes, sir, it is the
27 same Committee.

28 COMMISSIONER SMITH: The same Committee?

29 THE WITNESS: It is the same Committee.

30 It is the same Committee for Canada. They go all over



1 English

2 Canada.

3 COMMISSIONER SMITH: They cover a
4 lot of territory there.

5 THE WITNESS: Yes.

6 BY MR. JACQUES:

7 Q. You wouldn't have traffic figures,
8 would you, for Hamilton? There are none shown on the
9 plan.

10 A. No. I have to get those from the
11 Hamilton Harbour Commission.

12 Q. Don't bother. We will get them.

13 THE WITNESS: I have just added them
14 together. In 1963 there were 169 and in 1962 -- well,
15 I think that is the only one, or maybe I hadn't even
16 better mention those.

17 Q. We will get the figures from Hamilton.
18 Thank you.

19 A. That pretty well finishes Lake Ontario.

20 Q. Pardon?

21 A. That finishes Lake Ontario. We jump
22 around now to the Georgian Bay.

23 Q. Before we go on to Georgian Bay, you
24 don't have anything to do with dredging at the
25 entrance of Port Weller or off Port Weller?

26 A. No, sir. That probably is the Seaway.

27 Q. Nor at Port Colborne?

28 A. We haven't had. We haven't had.

29 Q. Do you consider that this would be
30 within your jurisdiction?



1 English

2 A. No, it is the St. Lawrence Seaway.

3 Q. The St. Lawrence Seaway would look
4 after that?

5 A. Yes. Now, going up to Owen Sound --

6 MR. JACQUES: The plan for Owen Sound
7 will be Exhibit ?

8 THE SECRETARY: 1072.

9 ---EXHIBIT NO. 1072: Plan of Owen Sound.

10 THE WITNESS: At Owen Sound the outer
11 harbour, outer harbour area --

12 Q. Area C, E, B and A?

13 A. No, this is what we call the inner
14 harbour, in here (indicating).

15 Q. The outer harbour would be area C?

16 A. B.

17 Q. And E?

18 A. They are both B's, aren't they? E and
19 C. This was last dredged in 1957 to 23½ feet. It
20 is subject to siltation from littoral action outside
21 and from the Sydenham River. It flows in down at this
22 end here. The inner harbour was dredged to 22½ feet in
23 here.

24 Q. Yes. That is from 11th Street -- well,
25 in front of the CNR shed?

26 A. The CNR shed. That was dredged to
27 22½ feet in 1957, and that is a siltation of about
28 16,000 yards per year. The whole harbour is down
29 to about 18 feet. This has to be dredged every eight
30 years more or less.



1 I have a rough figure on shipping -- 1926 in 1961,
2 1962, and 141 in 1962, 1963.

3 Q. That would be the commodities they
4 take in and out of the place?

5 A. Grain. There is the Hindman
6 Navigation Company who have a fleet of ships in here,
7 perhaps fifteen or sixteen. He stations here,
8 (indicating). The Owen Sound Navigation Company
9 had a general cargo and passenger service out of here.

10 Q. You say the level is down to 18
11 feet now?

12 A. It is down to 18 feet now.

13 Q. Have you any complaints in that
14 respect?

15 A. Yes, we have had a complaint.

16 Q. From whom?

17 A. The Hyndman Navigation Company.

18 Q. They requested dredging?

19 A. They requested the former depths
20 to be restored.

21 Q. Was that ever sent to the government?

22 A. It is down in Ottawa, yes; the
23 request is down in Ottawa.

24 Q. Is there anything you would like to
25 add with respect to Owen Sound?

26 A. No, sir.

27 MR. JACQUES: Meaford will be
28 Exhibit 1073.

29 ---EXHIBIT NO. 1073: Plan of Meaford.
30



1 Q. This does not look so big. What
2 ships trade there; do you know?

3 A. I beg your pardon?

4 Q. What ships would trade in Meaford?

5 A. There is not much business here.
6 There are three ships a year coming in with coal.

7 Q. With coal?

8 A. That is all the business.

9 The harbour was last dredged in
10 1957 to 17 feet. It is shoaled up now to 12 feet.

11 Q. Have you had complaints from the
12 coal companies?

13 A. We have had complaints. We have
14 investigated and I do not believe there is any pro-
15 gramme of redredging it in view of the small amount
16 of traffic. I think they feel this coal might be
17 handled in another port and trucked here, the small
18 amount of coal there is.

19 MR. JACQUES: Thank you. Now we
20 come to Collingwood, which will be Exhibit 1074.

21 A. The approach channel 2600 feet
22 long by 250 feet wide was dredged to 21 feet in 1931.
23 Redredging here is indicated every ten years.

24 ---EXHIBIT NO. 1074: Plan of Collingwood, Ontario.
25

26 Q. What is the depth now?

27 A. Just a minute now. It was
28 dredged to 21 feet in 1931. It is the depth down
29 the middle, but there is some siltation taken in
30 on the sides of the channel.



1 Q. As shown by the solid blue line
2 on the plan?

3 A. Yes, sir. These areas here
4 are where the littoral movement of material has
5 encroached upon and narrowed the channel and it
6 was right here where a ship grounded.

7 Q. When you say "right here"?

8 A. Opposite the breakwater.

9 Q. We will draw a letter X.

10 COMMISSIONER SMITH: That is a very
11 important shipbuilding port, is it not?

12 THE WITNESS: Yes, sir.

13 COMMISSIONER SMITH: Very large ships
14 built there?

15 THE WITNESS: Yes, as big as the Welland
16 Canal can take -- 770 feet long.

17 MR. LALONDE: 730, I understand.

18 THE WITNESS: Is it 730? I beg your
19 pardon.

20 MR. JACQUES:

21 Q. Do you say that a ship ran aground
22 at the entrance just off the west breakwater? Do
23 you recall the name of the ship?

24 A. No, sir, I do not remember.

25 MR. LALONDE: Clement Reiss and
26 the Maunaloa.

27 MR. JACQUES:

28 Q. When was it last dredged since
29 1931? You said in 1931 it was dredged to 21 feet.

30 A. I do not have that.



1 THE CHAIRMAN: We will adjourn for a
2 few minutes.

3
4 ---Short recess.

5 Q. Now to come back to the entrance
6 of Collingwood, you stated that it was dredged to
7 21 feet in 1931. Have you ascertained whether it
8 was dredged since that time?

9 A. Yes, sir. It has not been
10 dredged since 1931.

11 Q. It has not been dredged?

12 A. No, sir.

13 Q. Have you had complaints about this
14 entrance?

15 A. When we had that report of the
16 grounding was the first time that I was aware that
17 it was shoaled. We sent a survey crew out and
18 they met the Department of Transport work boat there
19 and we re-sounded it. This is what we have found --
20 that there has been some filling in at the edges at
21 the cup. There is plenty of water down the middle.

22 A notice to mariners was issued right
23 away and the Department of Transport were putting
24 new marker buoys to outline the channel. The item
25 has been prepared for dredging for this year.

26 Q. According to this plan it would have
27 shoaled from roughly 22 feet to 11 feet near the
28 breakwater -- roughly?

29 A. Yes, that is right.

30 Q. Do you have figures on traffic in



1 and out of Collingwood?

2 A. These figures I have for ships --
3 1961-1962, 62, and 1962-1963, 44. These are mostly
4 to the grain elevator here (indicating).

5 Q. And apart from ---

6 A. Also Imperial Oil have a plant
7 over here.

8 Q. There is a shipyard also, but the
9 figures would not include it because they are not
10 cargo-carrying ships?

11 A. No, we do not have that.

12 Q. Is there anything else you would
13 like to add on Collingwood?

14 A. Yes. We dredged the turning
15 basin area here, which is a radius of 800 feet. This
16 was dredged to 21 feet in 1961 and the inner portion
17 of the harbour here was dredged in 1946 to 18 feet.

18 Q. From the turning basin?

19 A. To about here (indicating).

20 Q. To the west wall?

21 A. Yes, about that. Under this
22 heading there would be only one more item here.

23 MR. JACQUES: And this is Sault
24 Ste. Marie, which will be Exhibit 1075.

25 ---EXHIBIT NO. 1075: Plan of Sault Ste Marie.

26
27 THE WITNESS: It is under that
28 same heading. In 1962 over a channel, over the
29 Canadian channel, over a length of some 3,000 feet
30 we dredged 2400 yards of material. It was mostly



1 rocks, etc. which were upended by ships' anchors in
2 mooring. There is relatively no maintenance
3 dredging required at this place. That completes
4 what I have under that heading.

5 MR. JACQUES: Thank you.

6 MR. LALONDE: You have no dredging
7 in Little Current off Parry Sound?

8 THE WITNESS: We have dredging
9 at those places. At Parry Sound there is only
10 minor dredging required. It pretty well stays
11 open.

12 MR. MAHONEY: Did you have an
13 extensive dredging programme in Little Current?

14 THE WITNESS: Yes. In 1957 we
15 had an extensive programme on the eastern channel.

16 MR. MAHONEY: To widen the eastern
17 channel?

18 THE WITNESS: Yes.

19 MR. JACQUES:

20 Q. What traffic would there be in
21 Sault Ste Marie?

22 A. In Sault Ste Marie, I do not have
23 all the figures with me, but it is a regular point
24 of call for the C.P.R. boats. The Manzutti
25 Transportation Company go in there and the Depart-
26 ment of Transport boats go into our wharf there.
27 There is a fair volume of freight there. I could
28 get you that figure.

29 Q. No; we will obtain it through
30 shipping statistics, thank you.



1 The next item was the result of hydraulic
2 studies or surveys made in recent years. You
3 started discussing this matter a while ago. Could
4 you complete your report in this respect?

5 A. Yes I mentioned a study of the
6 littoral drift survey.

7 Q. Yes?

8 A. The next item I will mention is
9 that of the winds climate and siltation study at
10 Port Credit. When the new harbour at Port Credit
11 was being designed by the Department of Public Works,
12 an analysis was made of the wave climate in the area
13 as predicted from wind records extending over a
14 period of approximately thirty years. This
15 information was necessary for the design and
16 orientation of the breakwaters required to protect
17 the harbour. The findings of this analysis are
18 summarized in reports on the files of the Department
19 of Public Works, Toronto District Office.

20 After construction of the new harbour
21 was completed, the Department has undertaken a
22 series of surveys to determine the influence of some
23 of the new structures on the deposition of sediments
24 carried down by the Credit River. So far there
25 are some indications that the curved retaining wall
26 which was constructed as part of the harbour develop-
27 ment scheme is helping to maintain dredged depths
28 in the entrance channel to the Yacht basin. The
29 survey is continuing.

30 Q. Would you have a plan of Port



1 Credit with you?

2 A. Yes, I do.

3 MR. JACQUES: Perhaps we can put it up
4 on the board. It might be easier to understand
5 your report. The Town of Port Credit will be
6 Exhibit 1076.

7
8 ---EXHIBIT NO. 1076: Town of Port Credit.

9 Q. Would you describe summarily
10 what you have read?

11 A. There was a problem of material
12 coming down the Credit River and getting carried
13 in front of the harbour entrance. This is new.
14 This structure here is the old harbour, the old
15 wharf.

16 Q. Indicated by "warehouse"?

17 A. Yes; that is the wharf. The
18 material used to come down the Port Credit River
19 plus the silt, the material carried in the littoral
20 direction used to form a bar across there.

21 Q. The pile turning wall was not
22 built then?

23 A. No. The first part of this
24 Port Credit development -- now there is a breakwater
25 that is 2,000 feet long along the east side. There
26 is a curved steel pile turning wall put along
27 the east side of the structure to form like the
28 left boundary of the river which tended to give
29 more velocity to the water coming out the river.
30 There is a breakwater here (indicating).



1 Q. Called the west breakwater?

2 A. The west breakwater.

3 Q. This is a new one also?

4 A. This is a new one there.

5 Q. And the entrance is now?

6 A. Between the breakwaters.

7 Q. Between the two breakwaters?

8 A. Yes. We made a study first to

9 see if this would help to confine the material
10 carried out the Credit River, keep it as a river and
11 carry it out into the lake instead of having it
12 deposit right in front of the wharf.

13 Q. Have you been successful?

14 A. We think so. It is rather early
15 to say, but we are continuing this study and we
16 think so.

17 Q. Would you continue, please?

18 A. There is a slip in Hamilton Har-
19 bour known as the Ottawa Street slip of which we
20 have made a study. The Department has recently
21 undertaken a survey at Ottawa Street Slip in
22 Hamilton Harbour to evaluate the relative signifi-
23 cance of sediment from industrial waste, sediment
24 from fuel outfalls and overflow from large scale
25 hydraulic dredging in contributing to the reductions
26 in dredged depths which have occurred in the approach
27 channel and training basin of Ottawa Street Slip
28 since 1959.

29

30



1 Since the slip was last dredged in 1953
2 siltation to the extent of some 400,000 cubic yards
3 has taken place. This survey is still in progress.

4 Q. Have you made any survey of
5 currents elsewhere or any extensive soundings in the
6 lake area?

7 A. Only in connection with a project.
8 Every time we do a project we have to take soundings,
9 levels and ---

10 Q. Do you have anything to do with the
11 publication of monthly mean and water levels?

12 A. No, sir.

13 Q. Nothing at all?

14 A. We use them but we don't compile
15 them.

16 Q. The question was asked about the
17 extent and method and frequency of information notices
18 that are issued by the District to shipping interests.

19 A. We didn't issue anything to shipping
20 interests. We would contact the Department of
21 Transport and ask them to issue notices to mariners
22 concerning a project we are building, where we are
23 dredging, where we are doing some work, and they would
24 be the ones that would contact the shipping interests.

25 MR. JACQUES: Thank you very much.

26 THE CHAIRMAN: Any questions, Mr. Brisset?

27 MR. BRISSET: No.

28 THE CHAIRMAN: Mr. Mahoney?

29 MR. MAHONEY: No.

30 THE CHAIRMAN: Mr. Lalonde?



1 CROSS-EXAMINATION BY MR. LALONDE:

2
3 Q. I notice on the chart that my
4 friend called a map of Ontario, 1064, there is a
5 small piece, a piece of Ontario, between Port
6 Colborne and Georgian Bay; there is the whole area
7 of Sarnia which is not in your district. Does
8 this come under ---

9 A. George Scroggie of London Dis-
10 trict.

11 Q. He only has the particular area
12 indicated here as being ---

13 A. Bruce Peninsula. He has this
14 plus the Bruce Peninsula.

15 Q. Has the authority been divided
16 for a long time on this basis as far as you know?

17 A. Yes, sir. I have been in the
18 office since 1957, but it was before that.

19 Q. Do you know of any particular
20 reason it does not include this relatively small
21 area?

22 A. No, I don't.

23 MR. LALONDE: Thank you.

24 MR. JACQUES: I wish to thank
25 you, Mr. Henderson, for the care which you have taken
26 in preparing your evidence and supplying us with
27 plans and drawings. Thank you very much.

28 THE WITNESS: Thank you.

29 -----
30



BARBARA CRAWFORD

DIRECT EXAMINATION BY MR. BRISSET:

Q. I understand that you and your husband were pioneers in the organization of the Port Weller, as it was then known at the time, Port Weller-Sarnia Pilotage District?

A. Yes.

Q. What was your husband doing at the time?

A. You mean prior to this?

Q. Prior to becoming involved in pilotage?

A. He was master of a lake ship.

Q. He was master of a lake ship?

A. Yes.

Q. How long had he been a master on a lake ship?

A. I believe it was 1949.

Q. I understand that in the spring of 1958, to be more exact, in the month of April, you were approached by Captain Matheson of the Shipping Federation of Canada, to work on the organization and administration of this Pilotage District; is that correct?

A. Yes.

Q. Do you recall approximately when you had been visited by Captain Matheson?

A. It was in the early part of April, but I wouldn't know the exact date.



1 Q. That was before the opening of
2 navigation to ocean shipping?

3 A. Yes, the year before the Seaway
4 opening; it was approximately two weeks before the
5 opening of the canal.

6 Q. Where were you living at the time?

7 A. It was then known as Port Dalhousie.

8 Q. The Commission I am sure would be
9 interested in knowing how you organized the district
10 and how you administered it during first the year
11 1958, and perhaps we could start by asking you
12 where your office is located.

13 A. In the sun porch off the kitchen.

14 Q. In your own house?

15 A. In our own home.

16 Q. Did you have anybody to help you
17 except your husband?

18 A. No.

19 Q. Both of you?

20 A. Just the two of us.

21 Q. What type of means of communica-
22 tion did you have in order to be able to dispatch
23 pilots and to keep track of vessels coming in the
24 lakes?

25 A. Just one telephone only.

26 Q. You have one land telephone?

27 A. Yes.

28 Q. With what organization would you
29 keep in contact in order to become acquainted with
30 the traffic?



1 A. Mostly it was through the agents
2 from Hamilton, Toronto, Montreal, and the Canal, the
3 Welland Canal, as it was then known, did the dis-
4 patching from the Welland Canal.

5 Q. You were in touch I take it
6 continually with the dispatcher in the Welland Canal?

7 A. Yes, we both worked in conjunction
8 with each other.

9 Q. You were also in touch with the
10 various ships' agents in Toronto ---

11 A. Well, really all the way from
12 Montreal through to Chicago and Fort William and
13 Duluth, wherever a ship might be going to or coming
14 from.

15 Q. How would you be advised of a
16 ship, say, coming down, and needing a pilot at
17 Port Weller?

18 A. Well, there were times when they
19 called from Montreal stating when it would be in
20 approximately. Then the Kingston Pilot Office
21 used to send us wires up-- so many ships through
22 that night,--and that would be approximately nine
23 o'clock or ten o'clock in the morning, and again at
24 eleven o'clock at night we would have a run-down of
25 what had passed Kingston.

26 Q. That came to you from Kingston?

27 A. Canadian National Telegraphs or
28 Canadian Pacific.

29 Q. Twice a day you had telegrams from
30 Kingston telling you what ships were up?



1 A. Yes, or if they were going through
2 to Toronto and Hamilton, and they knew it, they
3 would list Toronto and Hamilton. Then we had to
4 rely on agents in either of these ports calling us
5 and telling us when they expected to be over or when
6 they expected to leave Hamilton or Toronto, and we
7 would judge from there when they would be in the
8 canal.

9 Q. Now, as regards ships coming down,
10 what would be your means of knowing that a ship was
11 coming in your district and would need a pilot, say,
12 at Sarnia?

13 A. We also had the pilot station set
14 up at Sarnia. The ships send on E.T.A., duplex
15 call or radio telephone, through the Sarnia station
16 some times, or mostly, I guess, radiotelephone, and
17 they were supposed to give us so many hours' notice
18 before they would be due down in Sarnia.

19 Q. Let us speak of a ship coming down
20 and arriving at Sarnia to pick up a pilot. Who in
21 Sarnia would you be in touch with or who would you
22 communicate with in Sarnia to tell you the ship is
23 coming down?

24 A. Again, not just once a day, but
25 four or five times on some occasions where the girl
26 who was looking after the pilot dispatching up there
27 would call me.

28 Q. In other words, there was a
29 dispatching office in Sarnia at the time?

30 A. If we may call it that, yes. I



1 believe it was in a fish processing plant or some
2 sort of packing plant.

3 Q. Was that Mr. Purdy's pilot boat?

4 A. Yes. He has since built a space
5 separate from that, but at that time it was held in
6 one of the offices.

7 Q. You would get an E.T. of vessels
8 coming down and needing a pilot. Would they need a
9 pilot if they stopped on the way?

10 A. We had a pilot boat at Sarnia from
11 the very beginning.

12 Q. Dispatching downbound, if a ship
13 was downbound from Sarnia, you would not have to
14 put a pilot aboard unless the ship stopped on the
15 way to load or discharge?

16 A. We put a pilot on regardless if
17 they stopped or otherwise. They picked up a pilot
18 at Sarnia.

19 Q. In other words, you were dispatch-
20 ing pilots from Sarnia too, from your central office
21 in Port Weller?

22 A. Well, in a roundabout way, yes,
23 depending on Mrs. Ireland in Sarnia to do that, the
24 actual dispatching. She in turn got in touch with
25 me if anything went wrong or anything like that.
26 When it was just ordinary ships came in and pilots
27 go out, she was able to do that.

28 Q. Would you explain that a little more
29 fully to us, how you handled the matter of dispatching
30 pilots on ships coming down from the upper lakes at



1 Sarnia?

2 A. Well, the men went from Port
3 Weller to Sarnia and got off via pilot boat and went
4 into Sarnia, and when a ship came down the man was
5 dispatched over to that ship, and he brought it down
6 to Port Weller.

7 Q. You say a man was dispatched to
8 that ship; was it done through your office or Port
9 Weller? Were instructions given to him from your
10 office in Port Weller?

11 A. In a roundabout way I guess you
12 could say that, but actually they were a dispatching
13 unit of their own, subject to our control down in
14 Port Dalhousie.

15 Q. Let us suppose a ship coming down,
16 taking a pilot at Sarnia but would stop on the way
17 down at one of the ports -- say Detroit, for instance
18 -- how would you handle this if the ship were to stay
19 in Detroit for some time, say for a day or two days?

20 A. Well, it depends a lot -- of
21 course, pilots always call back when they get to a
22 port, but it would depend a great deal on the amount
23 of traffic you had at the time. If it was going
24 to be twenty-four hours or less, we would leave the
25 pilot on there anyway unless it was just a movage
26 in that certain port. Otherwise we would take
27 them off. At least we would try to.

28 Q. What were the instructions given
29 to pilots if the ship was to stop on the way into a
30 port? Did he have to report to your office?



1 A. We asked him to report back to us,
2 yes.

3 Q. Then what did you do depending on
4 the length of time a ship might stay in that par-
5 ticular port?

6 A. We would take them off if the
7 ship was going to be there for any great length of
8 time and bring them back either to Port Dalhousie or
9 to Sarnia, and use them over again.

10 Q. Depending on the pattern of traffic
11 at the time?

12 A. Yes, which I might add was pretty
13 hectic. We usually had to take them off.

14 Q. Before we go into the pilotage
15 material at the time, I just want to review the pro-
16 cedure. How did you move your pilots around depending
17 upon requirements?

18 A. We used everything, taxis, buses,
19 trains, planes, anything that would get a man as
20 quickly and as economically -- by "economically" I
21 don't mean that planes are that economical, but to
22 save the ships being tied up we would send them by
23 plane. Usually it was to the Soo that we did that.

24
25 ----

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27
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1 Q. You said you moved pilots some
2 times by taxi. Will you give us an illustration
3 showing us under what circumstances it might be done?

4 A. In the spring we would have more
5 ships going up than we would have coming down and
6 we could end up with quite a few pilots in Sarnia
7 and nothing for them to do and we would put them in
8 a taxi and bring them back down to the Welland Canal.

9 In the fall it would be just the
10 reverse; and there were times in the summer when we
11 would have a lot of ships going up and not too much
12 coming down and we would have too many men up there
13 and we would have to bring them back down again.

14 Q. Would you move pilots from, say,
15 Port Weller to the other end of the canal at Port
16 Colborne, or vice versa?

17 A. Oh, yes; on the canal we always
18 took them off after they got to Port Colborne if they
19 were going to a dock like the Robin Hood, or to
20 one of the docks up along the Welland Canal; we
21 always took them off and brought them back down.

22 Q. How would you bring them back
23 down to Port Weller?

24 A. By taxi.

25 Q. At times did you have to put a
26 pilot on board at Port Colborne?

27 A. To come down?

28 Q. To go up?

29 A. Well, yes; if a ship had already
30 been loading or unloading at Port Colborne and then



1 was going through to Sarnia there had to be a man
2 on there to take her through to Sarnia.

3 Q. Let us assume you had a ship going
4 up from the Welland Canal into Cleveland to load
5 or discharge , with the ship staying there for a
6 while. Would you also remove the pilots in ports
7 in Lake Erie?

8 A. There again it would depend on the
9 length of time the ship would be in the port. Lake
10 Erie ports have never been known to be the easiest
11 to get in and out of, with the exception of Buffalo.

12 Q. And how did you keep in touch with
13 your pilots ---

14 A. By telephone.

15 Q. --- within your district?

16 A. By telephone. I might also add
17 that it was nothing for us to have a four hundred or
18 five hundred dollar telephone bill. On one phone
19 that sounds like a lot.

20 Q. Now, were pilots permitted during
21 the first year of operations, 1958, to go out of
22 the district -- that is, either above Sarnia or
23 below Port Weller?

24 A. I don't remember ever having sent
25 anyone down below Port Weller. Now, I may have, but
26 I can't recall. But it depends there, again, on the
27 pattern of traffic. We would send the odd one up
28 above, as it is known -- north of Sarnia -- but usually
29 we had other men -- older men -- or ones that had
30 retired, and at that time there were a lot of ships



1 being laid up because of the opening of the Seaway,
2 and we would get those men -- persuade them -- if
3 they would like to take a tour.

4 Q. In other words, in addition to
5 your regular roster you used retired pilots or part-
6 time pilots to do work when required outside the dis-
7 trict?

8 A. Yes. We have had as many as
9 thirty-eight working out of Sarnia.

10 Q. How many?

11 A. Thirty-eight.

12 Q. But they were not regular pilots?

13 A. They had nothing to do with the
14 regular Pilotage District, no.

15 Q. When you say retired, how old were
16 these pilots in some cases?

17 A. I really couldn't tell you.

18 Q. Now, as regards the figures for
19 embarking and disembarking pilots, will you tell us
20 what this procedure was first of all at Port Weller
21 at the east end of your district?

22 A. Well, at Port Weller in those days
23 we didn't have a pilot boat and we used to bring them
24 into the wall; or if the canal wasn't too busy the
25 master would even bring them into the lock, but that
26 wasn't too often; or they brought them . . .

27 MR. LALONDE: Is the witness referring
28 to 1958?

29 THE WITNESS: Yes. This is before the
30 Seaway opened, when we had smaller ships. And then



1 at Sarnia we had the pilot boat that went out as far
2 as Port Huron Lightship; and I believe it is the
3 same pilot boat that is used today that was used then.

4 MR. BRISSET:

5 Q. Now, I take it that you started
6 in 1958 in the month of April when the navigation was
7 opened for ocean vessels?

8 A. Yes.

9 Q. Will you tell us what kind of
10 record you were keeping?

11 A. We had a Time Book. We also had
12 another small book with a list of the men's names, and
13 as they came in they went in the book; they were put
14 on the bottom of the list and worked up to the top.

15 Q. I would like to show you the Time
16 Book and I would ask you to identify it as the Time
17 Book that was in use at the time?

18 A. Yes, it is.

19 MR. BRISSET: My lord, I would
20 like to file this Time Book -- to which there will be
21 reference later in the evidence -- as Exhibit 1077.

22 ---EXHIBIT NO. 1077: Time Book kept at Port
23 Weller by Mr. and Mrs.
24 Crawford, of Port Dalhousie
for the years 1958 and 1959.

25 Q. Now, tell us what was the purpose
26 of the time book and what information was kept in
27 that particular book?

28 A. Well, that was to show the number
29 of days a man had worked and how much he had earned.
30



1 Now, I think there are some notations in there in
2 1958 where there is a bit of red. That would just
3 show he owed me ten dollars and if it is struck out
4 he paid it to me.

5 Q. In other words, in this book you
6 had every man -- the names of the pilots who were
7 working and . . .

8 A. . . . the number of days they
9 worked.

10 Q. . . . and the number of hours they
11 so worked?

12 A. Yes.

13 Q. Now, what kind of other record did
14 you keep? What other type of book or books did you
15 keep, if any?

16 A. Pertaining to the men themselves?

17 Q. Pertaining to your administration
18 of pilotage.

19 A. We had our log book -- well, not
20 log book -- order book for the upbound and downbound
21 ships.

22 Q. Will you tell us what system you
23 followed in the dispatching of the pilots?

24 A. Well, agents would call and we would
25 put down the name of the ship that they were referring
26 to, the estimated time of arrival and the actual time
27 of arrival in some cases, if we were able to get it --
28 which wasn't too often -- and the man's name that was
29 to go on it; and sometimes we had to change this
30 two or three times before we actually got the man



1 aboard the ship; there would be another ship ahead
2 of that.

3 Q. In so far as selecting the pilot
4 who was to go on board the ship, what was your method
5 of handling this? Were you operating on tour de
6 rôle or picking up any pilot ---

7 A. No, strictly on tour de rôle. The
8 first man in was the first man to move the ship; not
9 necessarily from Port Weller, but who moved a ship
10 in the Port Weller-Port Colborne-Buffalo District.

11 Q. In other words, to repeat what
12 you have just said, your rule was first in first out?

13 A. Right.

14 Q. And that applied whether it was
15 a downbound ship or an upbound ship; is that correct?

16 A. Yes. By that token I don't mean
17 that supposing a man came in at Port Weller and
18 maybe there was a ship leaving Sarnia before a ship
19 left upbound at Port Weller that we would necessarily
20 take that man from Port Weller and move him to
21 Sarnia. It was either up or down, the first man
22 in.

23 Q. In other words, if at Port Weller
24 you had to dispatch a pilot, the first one who was
25 dispatched was the first one in at Port Weller, and
26 the same at Sarnia?

27 A. Yes.

28 Q. And at between points?

29 A. That we had to take into consider-
30 ation the travelling time. Sometimes we would



1 have to take the second man on the list to move a
2 ship that would actually not be moving for maybe
3 twenty-four hours, or maybe twelve hours -- maybe
4 not twenty-four hours -- but twelve hours; the first
5 man would be going out on a ship and another ship
6 would be ready to move and we would have called the
7 second man out to get him to Cleveland in time to
8 move the ship; we had to go down the list because of
9 bus times and train times.

10 Q. Were you aware that instructions
11 had been issued by the Shipping Federation of Canada
12 at the time to masters of ocean vessels coming into
13 the lake and requiring a pilot in your district?

14 A. I think I do recall it, but I
15 couldn't tell you -- I know we had the fullest co-
16 operation of the agents.

17 Q. Does this (indicating) bring back
18 memories to you?

19 A. Yes, I had forgotten about it.

20 MR. BRISSET: My lord, I would
21 like to file as Exhibit 1078, a document entitled
22 "Instructions to Ships Masters of Ocean Vessels
23 trading into the Great Lakes," issued by the Shipping
24 Federation of Canada on April 16th, 1958.

25 ---EXHIBIT NO. 1078: Document entitled "Instruc-
26 tions to Ships' Masters of
27 Ocean Vessels trading into
28 the Great Lakes."

29 MR. LALONDE: Have you actually
30 seen this document before?



1 THE WITNESS: Yes; I had forgotten
2 that it had been out.

3 MR. BRISSET: My lord, I have
4 here a further circular on instructions which I would
5 like to file. It will be proved, or established,
6 perhaps, is more correct, by Captain Matherson; and
7 that would be useful if they all were filed together
8 at Exhibit 1078. One is dated April 25, 1958;
9 another May 15, 1958; another May 28, 1958; and the
10 last one is July 7, 1958.

11 ---Four circulars of instructions, dated April 25,
12 1958; May 15, 1958; May 28, 1958; and July 7,
13 1958, added to Exhibit No. 1078.

14 The circular of April 25, 1958 includes
15 a copy of the tariff applicable from Port Weller to
16 Sarnia at the time.

17 MR. BRISSET:

18 Q. Mrs. Crawford, in addition, I
19 assume, to assisting in the dispatching in the Port
20 Weller-Sarnia District in 1958, was your husband doing
21 also piloting?

22 A. Yes; just in the Welland Canal.

23 Q. Under what circumstances would
24 he be called upon to do piloting himself?

25 A. Peak periods, and ships on which
26 the pilot would be tired, or some such thing; and
27 just the plain shortage of pilots.

28 Q. Now, before you started operating
29 did you have in your possession a copy of the list
30 of sailing masters who had been performing during the



1 season of 1957?

2 A. We did.

3 Q. Is the list I am now exhibiting
4 to you something out of your records at the time?

5 A. Yes.

6 MR. BRISSET: I will file this list as
7 Exhibit 1079.

8 ---EXHIBIT NO. 1079: Copy of list of sailing
9 masters who performed during
10 the season of 1957.

11 MR. BRISSET: Now, from whom did you get
12 your instructions as to the manner in which your work
13 was to be done?

14 A. Do you mean at the beginning of the
15 season?

16 Q. Yes.

17 A. Well, it was Captain Matheson
18 who gave me the our instructions.

19 Q. And as you were going along were
20 you reporting to Captain Matheson?

21 A. Yes, I was; probably every day,
22 and sometimes oftener.

23 Q. If there were problems arising out
24 in your District, or some difficulty or another, would
25 you be reporting to him and seeking his guidance and
26 counsel?

27 A. Yes.

28 Q. And that you were doing daily, you
29 said?

30 A. Yes.



1 Q. Now, were you furnished with a
2 report card or a source form?

3 A. Yes; they were called pilot cards.

4 Q. How was that handled?

5 A. Well, the pilot was given a card
6 and he filled it out, saying where he got on board
7 the ship and the date and the name of the ship and
8 the shipping company that was looking after the
9 particular ship, and all the ports of call he made;
10 and from that I made out the invoices for billing
11 purposes.

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1 English

2 Q. Were all invoices prepared in your
3 office?

4 A. Yes.

5 Q. For the pilotage dues?

6 A. Yes.

7 Q. To whom were these invoices sent?

8 A. To the different shipping companies
9 that had these ships.

10 Q. Directly?

11 A. I believe so, yes. Copies of those
12 would be sent to the Shipping Federation.

13 Q. Were the pilotage dues paid to your
14 office?

15 A. No.

16 Q. Where?

17 A. To the Shipping Federation in Montreal.

18 Q. In other words you were not handling
19 pilotage dues yourself?

20 A. We were given so much money to pay
21 current expenses and that was all the money we had.

22 Q. And the dues were paid directly to
23 the Shipping Federation of Canada in Montreal?

24 A. Yes.

25 Q. What about the pay of the pilots who
26 were working in your District?

27 A. That again was all -- we sent in a
28 list of who was working and the number of days they
29 worked and that was sent back. The pay was sent
30 back from Montreal.



1 English

2 Q. In other words you did not arrange
3 the pay sheet or distribute the pay cheques yourself?

4 A. We gave the pay cheques; cheques came
5 to us and we distributed them.

6 Q. You sent a statement to the Montreal
7 office?

8 A. Yes.

9 Q. And you received the cheques which
10 you then distributed?

11 A. Yes.

12 Q. How much were the pilots paid during
13 that first year? What was the basis?

14 A. \$40.00 a day plus their expenses.

15 Q. \$40.00 a day?

16 A. Yes.

17 Q. How were expenses handled?

18 A. Usually they used their own money
19 and then they came back from a trip -- well, it was
20 so much per taxi fare or train fare if they were going
21 by such means; taxi fare down to Port Weller. They
22 submitted that, I believe it was once a month, but I
23 have really forgotten. Then we reimbursed them at the
24 end of that time. My husband had access to a bank
25 account in Port Dalhousie Bank.

26 Q. And these expenses were then
27 reimbursed?

28 A. Just for the expenses, yes.

29 Q. The statement was submitted to you
30 for approval, I imagine?



1 English

2 A. Yes.

3 Q. And once you approved of the statement
4 then it was paid?

5 A. Yes; the cheque was paid.

6 Q. I want to come to the pilots themselves
7 who worked during that season. Would you tell us in
8 the first month -- that is, April, 1958, -- how many
9 pilots you had on your roster?

10 A. I will have to count for that. We
11 had nine the first month, starting the 22nd April.

12 Q. Amongst those nine were there any
13 former sailing masters?

14 A. Not in the first, no. I am not too
15 sure. I do not know whether Captain Green was or
16 was not. He was not.

17 Q. When did the sailing masters start to
18 come in?

19 A. Not until the next month.

20 Q. That is, May, 1958?

21 A. 1958, yes.

22 Q. How many did you have on your roster
23 in May of 1958?

24 A. We had 21 men working by that time,
25 the end of May.

26 Q. Amongst those 21 were there former
27 sailing masters that had come in?

28 A. Nine had.

29 Q. Did you have anything to do with
30 the engaging of pilots or was that all handled by the



1 English

2 Shipping Federation in Montreal?

3 A. I think it was a joint

4 Q. Operation?

5 A. Operation. It was. If we had found
6 a man, fine. If not -- or if they found one....

7 Q. If some problem arose with a pilot
8 during the exercise of his functions, how was that
9 handled?

10 A. What do you mean by that, sir?

11 Q. Well, if a pilot, for instance, did
12 not appear for work when called or was not available
13 or some other problems arose, how was the matter
14 handled? In other words, did you take full responsibility
15 for the government of your pilots or were you under
16 instructions from Montreal to refer problems to Montreal?

17 A. Really major ones, yes, we did refer
18 them to Montreal.

19 Q. What would you call major problems?

20 A. Well, supposing a man did get drunk and
21 could not take his ship, we simply moved down the line
22 to the next man and referred it down to Captain
23 Matheson. But quite frankly we had very little trouble
24 with them. The pilots were very cooperative.

25 Q. Let us proceed with the year 1958.
26 You have told us that in May you had 21 pilots.

27 MR. LALONDE: End of May.

28 THE WITNESS: The end of May, yes.

29 MR. BRISSET: Q. In June how many have
30 you?



1 English

2 A. Twenty-three. I guess in both cases
3 -- we never have put my husband's name down in this
4 book, so actually you can add another one right along
5 with it. It would be 23 at the end of June.

6 Q. How many did you have in July?

7 A. Twenty-eight.

8 Q. By the end of August?

9 A. I see my husband's name is down this
10 time -- 31.

11 Q. By the end of September?

12 A. Twenty-nine -- no, 30. In October we
13 had 29 again.

14 Q. And at the end of the season?

15 A. Thirty.

16 Q. During that year of operation, were
17 you at any time short of pilots?

18 A. We were always short. We got straightened
19 out towards the last though. Approximately about
20 September things sort of smoothed out.

21 Q. Is that for the season that, as I have
22 been able to check myself, you had used two pilots,
23 one Mr. W. J. Brown who was 78 years of age and I think
24 another one, Mr. Mahoney, who was 74?

25 A. We never had him. We did have a Captain
26 Davis though who was nearly as old as Captain Brown.

27 Q. Were you using them outside your
28 District or within the area of Port Weller/Sarnia?

29 A. We used them in both places. We got
30 them on a ship above Sarnia and would not have enough



1 English

2 men at Sarnia, so they would bring their ships down
3 to the Canal.

4 Q. During your season of operation did you
5 encounter any special difficulties in the administration
6 and dispatching of your pilots? What problems, if any,
7 did arise?

8 A. Mostly lack of pilots and too many ships
9 at the beginning.

10 Q. Were ships delayed in certain cases
11 because of lack of pilots?

12 A. Not to that extent in 1958. They were
13 pretty well the ships that had been up the previous years
14 -- what we call line ships. If the canalers so choose
15 they would be allowed to go through; it was not
16 compulsory --

17 Q. In other words, if there was no
18 available pilot the ships would proceed without?

19 A. Yes. There were some that refused to
20 go and we would put a pilot on if at all possible.

21 Q. If I may use this expression, at a
22 pinch your husband would do piloting in the Welland
23 Canal himself?

24 A. Only in the Welland Canal, yes. We got
25 him through that. We figured if he was transferred --
26 did Lake Ontario, he could do Lake Erie.

27 Q. During the first months of your operations
28 in May, June, July, was there any picketing done along
29 the Canal to impede your operations?

30 A. Not by placard, if that is what you are



1 English

2 referring to.

3 Q. Yes, by what means?

4 A. There was screaming, shall we say, arising
5 from men on the shore, the canal bank, but I believe it
6 was against the law to picket on government property
7 by carrying placards.

8 Q. Who was doing this harassment? I do
9 not want names, simply ---

10 A. Well, the men that had suddenly found
11 they were not having a job unless they came piloting,
12 the ones that belonged to the City Masters; from
13 previous years -- Kingston up (what was it called?).
14 The Kingston Sailing Masters or Great Lakes Sailing
15 Masters from Kingston.

16 MR. LALONDE: Excuse me, were you
17 actually on the banks of the Canal at any time to
18 check on this matter?

19 THE WITNESS: Yes.

20 MR. LALONDE: You saw them?

21 THE WITNESS: Yes.

22 MR. BRISSET: Q. Did you have to
23 drive your pilots yourself to put them aboard ships?

24 A. Sometimes, yes.

25 Q. Was there picketing in front of your
26 house too?

27 A. Yes.

28 Q. How far into the season did that last?

29 A. I believe it was some time in May that
30



1 English

2 there was an injunction put on that -- stopped that.

3 I could not tell you the exact date, but I believe it
4 was May.

5 THE CHAIRMAN: So it was stopped by
6 Court Order, an injunction?

7 THE WITNESS: Yes.

8 MR. BRISSET: Q. Do you recall any
9 other difficulties that you had during that year in the
10 operation of your District? We would be interested
11 in knowing of your problems, as I take it you started
12 from scratch?

13 A. We did.

14 Q. What did you find most difficult to do?

15 A. I think one of the worst things was
16 to ask a man who I knew was tired to go back out and go
17 to work again. But I had the greatest cooperation
18 from the men in the Districts. Sometimes I know I have
19 turned them right around when they have got off a ship
20 at Port Weller, sent them down by taxi a quarter of a
21 mile down to take another ship up the Canal.

22 They were ready and willing to do it
23 at the beginning of the season and as time went on and
24 they got more tired I would try to give them as much
25 time off as we could. If they could not do it and they
26 said: "I must have twelve hours or so", we gave it
27 to them as much as we could.

28 Q. During the period you were just short
29 of pilots were you trying to get some of the former
30 sailing masters to join your District?



1 English

2 A. Yes, we were. I believe there were
3 telegrams sent to -- oh, I am just guessing, but I
4 think there were about 20 some odd men asked to come.
5 Copies of these wires were sent to us and from that
6 we kept trying to persuade them that they wanted to
7 come.

8 Q. Out of the sailing masters that had
9 been operating the previous year do you recall how
10 many eventually came within the ranks of your pilots
11 during 1958?

12 A. Not offhand. I could count them in
13 the book if you want me to.

14 Q. Perhaps you could give us a rough idea.

15 A. I honestly do not know. I would say
16 approximately 20, 18, I believe.

17 THE CHAIRMAN: Are you going into a
18 different subject now?

19 MR. BRISSET: Yes, My Lord.

20 THE CHAIRMAN: Your witness will have
21 to come back anyway tomorrow morning, so we will try
22 to start tomorrow morning at ten o'clock sharp. We will
23 now adjourn until tomorrow morning at ten o'clock.

24 ---WHEREUPON THE HEARING WAS ADJOURNED UNTIL TUESDAY,
25 THE 17th DAY OF MARCH, 1964 AT 10:00 A.M.

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BINDING SECT.

MAY 2 1972

